

SECOND REGULAR SESSION
[CORRECTED]
[PERFECTED]
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILL NOS. 1577, 1760,
1433, 1430, 1029 & 1700**
91ST GENERAL ASSEMBLY

Taken up for Perfection April 23, 2002.

House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

4020L.06P

AN ACT

To repeal sections 44.023, 50.550, 150.465, 167.161, 167.171, 191.905, 195.211, 195.222, 217.720, 217.722, 252.235, 302.341, 302.510, 302.530, 304.351, 306.124, 307.177, 316.150, 316.155, 338.055, 407.472, 453.110, 544.170, 547.170, 556.061, 557.035, 558.019, 559.021, 565.024, 565.050, 565.060, 565.070, 565.081, 565.082, 565.083, 565.253, 566.010, 566.030, 566.060, 566.067, 566.068, 566.083, 566.090, 566.093, 566.095, 569.020, 569.030, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.033, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 571.020, 571.070, 574.115, 575.150, 577.041, 577.054, 577.600, 578.008, 578.150, 578.377, 578.379, 578.381, 578.385, 578.405, 578.407, 578.409, 578.412, 595.010, 595.020, 595.030, 610.021, 630.140, 630.167, 630.170, 650.050, 650.055, 650.057 and 660.317, RSMo, and to enact in lieu thereof one-hundred thirteen new sections relating to crimes and punishment, with penalty provisions and an emergency clause for certain sections.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 44.023, 50.550, 150.465, 167.161, 167.171, 191.905, 195.211, 195.222, 217.720, 217.722, 252.235, 302.341, 302.510, 302.530, 304.351, 306.124, 307.177, 316.150, 316.155, 338.055, 407.472, 453.110, 544.170, 547.170, 556.061, 557.035, 558.019, 559.021, 565.024, 565.050, 565.060, 565.070, 565.081, 565.082, 565.083, 565.253, 566.010, 566.030, 566.060, 566.067, 566.068, 566.083, 566.090, 566.093, 566.095, 569.020, 569.030, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.033, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 571.020, 571.070, 574.115, 575.150, 577.041, 577.054, 577.600, 578.008, 578.150, 578.377, 578.379, 578.381, 578.385, 578.405, 578.407, 578.409, 578.412, 595.010, 595.020, 595.030, 610.021, 630.140, 630.167, 630.170, 650.050, 650.055, 650.057 and 660.317, RSMo, are repealed and one-hundred thirteen new sections enacted in lieu thereof, to be known as sections 44.023, 50.550, 50.555, 150.465, 167.161, 167.171, 191.905, 195.211, 195.222, 217.720, 217.722, 252.235, 302.341, 302.510, 302.530, 304.351, 304.370, 306.124, 307.177, 316.150, 316.155, 338.055, 407.472, 407.760, 407.762, 453.110, 491.707, 544.170, 547.170, 556.061, 557.035, 558.019, 559.021, 565.024, 565.050, 565.060, 565.070, 565.081, 565.082, 565.083, 565.151, 565.252, 565.253, 565.350, 566.010, 566.030, 566.060, 566.067, 566.068, 566.069, 566.071, 566.083, 566.090, 566.093, 566.095, 568.176, 569.020, 569.030, 569.072, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.033, 570.035, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 571.020, 571.070, 574.115, 575.150, 576.080, 577.041, 577.054, 577.600, 578.008, 578.150, 578.377, 578.379, 578.381, 578.385, 578.405, 578.407, 578.409, 578.412, 595.010, 595.020, 595.030, 610.021, 630.140, 630.167, 630.170, 650.050, 650.055, 650.057, 660.317, 1, 2, 3, 4, 5, 6, 7 and 8, to read as follows:

44.023. 1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of [an earthquake or other natural] a disaster whereby volunteer architects and professional engineers registered under chapter 327, RSMo, and construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to three days as requested and needed by the state emergency management agency.

2. In the event of [an earthquake or other natural] a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether buildings affected by [an earthquake or other natural] a disaster:

- (1) Have not sustained serious damage and may be occupied;
- (2) Must be vacated temporarily pending repairs; or

14 (3) Must be demolished in order to avoid hazards to occupants or other persons.

15 3. Any person when utilized as a volunteer under the emergency volunteer program shall
16 have his incidental expenses paid by the local jurisdiction for which the volunteer service is
17 provided.

18 4. Architects and professional engineers, construction contractors, equipment dealers and
19 other owners and operators of construction equipment and the companies with which they are
20 employed, working under the emergency volunteer program shall not be personally liable either
21 jointly or separately for any act or acts committed in the performance of their official duties as
22 emergency volunteers except in the case of willful misconduct or gross negligence.

23 5. Any individuals, employers, partnerships, corporations or proprietorships, that are
24 working under the emergency volunteer program providing demolition, cleanup, removal or
25 other related services, shall not be liable for any acts committed in the performance of their
26 official duties as emergency volunteers except in the case of willful misconduct or gross
27 negligence.

50.550. 1. The annual budget shall present a complete financial plan for the ensuing
2 budget year. It shall set forth all proposed expenditures for the administration, operation and
3 maintenance of all offices, departments, commissions, courts and institutions; the actual or
4 estimated operating deficits or surpluses from prior years; all interest and debt redemption
5 charges during the year and expenditures for capital projects.

6 2. The budget shall contain adequate provisions for the expenditures necessary for the
7 care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs
8 of holding circuit court in the county that are chargeable against the county, for the repair and
9 upkeep of bridges other than on state highways and not in any special road district, and for the
10 salaries, office expenses and deputy and clerical hire of all county officers and agencies.

11 3. In addition, the budget shall set forth in detail the anticipated income and other means
12 of financing the proposed expenditures.

13 4. All receipts of the county for operation and maintenance shall be credited to the
14 general fund, and all expenditures for these purposes shall be charged to this fund; except, that
15 receipts from the special tax levy for roads and bridges shall be kept in a special fund and
16 expenditures for roads and bridges may be charged to the special fund.

17 5. All receipts from the sale of bonds for any purpose shall be credited to the bond fund
18 created for the purpose, and all expenditures for this purpose shall be charged to the fund. All
19 receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue,
20 and all payments to retire the issue shall be charged to the fund. All receipts for interest on
21 outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the
22 interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

23 **6. Subject to the provisions of section 50.555 the county commission may create a**
24 **fund to be know as "The County Crime Reduction Fund".**

25 **7. The county commission may create other funds as are necessary from time to time.**

50.555. 1. A county commission may establish by ordinance or order a fund whose
2 **proceeds may be expended only for the purposes provided for in subsection 3 of this**
3 **section. The fund shall be designated as a county crime reduction fund and shall be under**
4 **the supervision of a board of trustees consisting of one citizen of the county appointed by**
5 **the presiding commissioner of the county, one citizen of the county appointed by the sheriff**
6 **of the county, and one citizen of the county appointed by the county prosecuting attorney.**

7 **2. Money from the county crime reduction fund shall only be expended upon the**
8 **approval of a majority of the members of the county crime reduction fund's board of**
9 **trustees and only for the purposes provided for by subsection 3 of this section.**

10 **3. Money from the county crime reduction fund shall only be expended for the**
11 **following purposes:**

12 **(1) Narcotics investigation, prevention, and intervention;**

13 **(2) Purchase of law enforcement related equipment and supplies for the sheriff's**
14 **office;**

15 **(3) Matching funds for federal or state law enforcement grants;**

16 **(4) Funding for the reporting of all state and federal crime statistics or information;**
17 **and**

18 **(5) Any law enforcement related expense, including those of the prosecuting**
19 **attorney, approved by the board of trustees for the county crime reduction fund that is**
20 **reasonably related to investigation, preparation, trial, and disposition of criminal cases**
21 **before the courts of the state of Missouri.**

22 **4. The county commission may not reduce any law enforcement agency's budget**
23 **as a result of funds the law enforcement agency receives from the county crime reduction**
24 **fund. The crime reduction fund is to be used only as a supplement to the law enforcement**
25 **agency's funding received from other county, state, or federal funds.**

26 **5. County crime reduction funds shall be audited as are all other county funds.**

150.465. 1. No itinerant vendor as defined in section 150.380, and no peddler as defined
2 **in section 150.470, shall offer for sale:**

3 **(1) Any food solely manufactured and packaged for sale for consumption by a child**
4 **under the age of two years; or**

5 **(2) Drugs, devices and cosmetics as defined in section 196.010, RSMo.**

6 **2. This section shall not apply to authorized agents of a manufacturer of any item**
7 **enumerated in subsection 1 of this section.**

8 3. Violation of this section is a class A misdemeanor.

9 **4. Itinerant vendors and peddlers shall make available within seventy-two hours**
10 **upon request of any law enforcement officer any proof of purchase from a producer,**
11 **manufacturer, wholesaler, or retailer of any new or unused property, as defined in section**
12 **570.010, RSMo.**

13 **5. Any forged receipt produced pursuant to subsection 4 of this section shall be**
14 **prosecuted pursuant to section 570.090, RSMo.**

167.161. 1. The school board of any district, after notice to parents or others having
2 custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct
3 which is prejudicial to good order and discipline in the schools or which tends to impair the
4 morale or good conduct of the pupils. In addition to the authority granted in section 167.171,
5 a school board may authorize, by general rule, the immediate removal of a pupil upon a finding
6 by the principal, superintendent, or school board that the pupil poses a threat of harm to such
7 pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall
8 not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any
9 pupil who is a student with a disability is subject to state and federal procedural rights. At the
10 hearing upon any such removal, suspension or expulsion, the board shall consider the evidence
11 and statements that the parties present and may consider records of past disciplinary actions,
12 criminal court records or juvenile court records consistent with other provisions of the law, or
13 the actions of the pupil which would constitute a criminal offense. The board may provide by
14 general rule not inconsistent with this section for the procedure and conduct of such hearings.
15 After meeting with the superintendent or his designee to discuss the expulsion, the parent,
16 custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a
17 hearing before the board of education.

18 2. The school board of any district, after notice to parents or others having custodial care
19 and a hearing upon the matter, may suspend a pupil upon a finding that [the pupil has been
20 charged, convicted or pled guilty in a court of general jurisdiction for the commission of a]:

21 **(1) Such pupil has been convicted of a felony criminal violation of state or federal**
22 **law; or**

23 **(2) An indictment or information has been filed alleging that the pupil has**
24 **committed a felony criminal violation of state or federal law to which there has been no**
25 **final judgment; or**

26 **(3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the**
27 **pupil has committed an act which if committed by an adult would be a felony criminal**
28 **violation of state or federal law to which there has been no final judgment; or**

29 **(4) The pupil has been adjudicated to have committed an act which if committed by**

30 **an adult would be a** felony criminal violation of state or federal law. At a hearing required by
31 this subsection, the board shall consider statements that the parties present. The board may
32 provide for the procedure and conduct of such hearings.

33 3. The school board shall make a good-faith effort to have the parents or others having
34 custodial care present at any such hearing. Notwithstanding any other provision of law to the
35 contrary, student discipline hearings or proceedings related to the rights of students to attend
36 school or to receive academic credit shall not be required to comply with the requirements
37 applicable to contested case hearings as provided in chapter 536, RSMo, provided that
38 appropriate due process procedures shall be observed which shall include the right for a trial de
39 novo by the circuit court.

167.171. 1. The school board in any district, by general rule and for the causes provided
2 in section 167.161, may authorize the summary suspension of pupils by principals of schools for
3 a period not to exceed ten school days and by the superintendent of schools for a period not to
4 exceed one hundred and eighty school days. In case of a suspension by the superintendent for
5 more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial
6 care may appeal the decision of the superintendent to the board or to a committee of board
7 members appointed by the president of the board which shall have full authority to act in lieu of
8 the board. Any suspension by a principal shall be immediately reported to the superintendent
9 who may revoke the suspension at any time. In event of an appeal to the board, the
10 superintendent shall promptly transmit to it a full report in writing of the facts relating to the
11 suspension, the action taken by the superintendent and the reasons therefor and the board, upon
12 request, shall grant a hearing to the appealing party to be conducted as provided in section
13 167.161.

14 2. No pupil shall be suspended unless:

15 (1) The pupil shall be given oral or written notice of the charges against such pupil;

16 (2) If the pupil denies the charges, such pupil shall be given an oral or written
17 explanation of the facts which form the basis of the proposed suspension;

18 (3) The pupil shall be given an opportunity to present such pupil's version of the
19 incident; and

20 (4) In the event of a suspension for more than ten school days, where the pupil gives
21 notice that such pupil wishes to appeal the suspension to the board, the suspension shall be
22 stayed until the board renders its decision, unless in the judgment of the superintendent of
23 schools, or of the district superintendent, the pupil's presence poses a continuing danger to
24 persons or property or an ongoing threat of disrupting the academic process, in which case the
25 pupil may be immediately removed from school, and the notice and hearing shall follow as soon
26 as practicable.

27 3. No school board shall readmit or enroll a pupil properly suspended for more than ten
28 consecutive school days for an act of school violence as defined in subsection 2 of section
29 160.261, RSMo, regardless of whether or not such act was committed at a public school or at a
30 private school in this state, provided that such act shall have resulted in the suspension or
31 expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend
32 school without first holding a conference to review the conduct that resulted in the expulsion or
33 suspension and any remedial actions needed to prevent any future occurrences of such or related
34 conduct. The conference shall include the appropriate school officials including any teacher
35 employed in that school or district directly involved with the conduct that resulted in the
36 suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal
37 jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the
38 parents or guardians and all other parties of the time, place, and agenda of any such conference.
39 Failure of any party to attend this conference shall not preclude holding the conference.
40 Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted
41 or enrolled to a regular program of instruction if:

42 (1) Such pupil has been convicted of; or

43 (2) An indictment or information has been filed alleging that the pupil has committed
44 one of the acts enumerated in subdivision (4) of this subsection to which there has been no final
45 judgment; or

46 (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil
47 has committed one of the acts enumerated in subdivision (4) of this subsection to which there
48 has been no final judgment; or

49 (4) The pupil has been adjudicated to have committed an act which if committed by an
50 adult would be one of the following:

51 (a) First degree murder [under] **pursuant to** section 565.020, RSMo;

52 (b) Second degree murder [under] **pursuant to** section 565.021, RSMo;

53 (c) First degree assault [under] **pursuant to** section 565.050, RSMo;

54 (d) [Forcible rape under section 566.030, RSMo] **Any felony offense established**
55 **pursuant to chapter 566 or 567, RSMo;**

56 (e) [Forcible sodomy under section 566.060, RSMo;

57 (f)] Robbery in the first degree [under] **pursuant to** section 569.020, RSMo;

58 [(g)] **(f)** Distribution of drugs to a minor [under] **pursuant to** section 195.212, RSMo;

59 [(h)] **(g)** Arson in the first degree [under] **pursuant to** section 569.040, RSMo;

60 [(i)] **(h)** Kidnapping, when classified as a class A felony [under] **pursuant to** section
61 565.110, RSMo.

62

63 Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition
64 has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any
65 of the above acts. This subsection shall not apply to a student with a disability, as identified
66 under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action
67 related to the student's disability. Nothing in this subsection shall be construed to prohibit a
68 school district which provides an alternative education program from enrolling a pupil in an
69 alternative education program if the district determines such enrollment is appropriate.

70 4. If a pupil is attempting to enroll in a school district during a suspension or expulsion
71 from another in-state or out-of-state school district including a private, charter or parochial
72 school or school district, a conference with the superintendent or the superintendent's designee
73 may be held at the request of the parent, court-appointed legal guardian, someone acting as a
74 parent as defined by rule in the case of a special education student, or the pupil to consider if the
75 conduct of the pupil would have resulted in a suspension or expulsion in the district in which the
76 pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee
77 that such conduct would have resulted in a suspension or expulsion in the district in which the
78 pupil is enrolling or attempting to enroll, the school district may make such suspension or
79 expulsion from another school or district effective in the district in which the pupil is enrolling
80 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
81 designee that such conduct would not have resulted in a suspension or expulsion in the district
82 in which the student is enrolling or attempting to enroll, the school district shall not make such
83 suspension or expulsion effective in its district in which the student is enrolling or attempting
84 to enroll.

191.905. 1. No health care provider shall knowingly make or cause to be made a false
2 statement or false representation of a material fact in order to receive a health care payment,
3 including but not limited to:

4 (1) Knowingly presenting to a health care payer a claim for a health care payment that
5 falsely represents that the health care for which the health care payment is claimed was medically
6 necessary, if in fact it was not;

7 (2) Knowingly concealing the occurrence of any event affecting an initial or continued
8 right under a medical assistance program to have a health care payment made by a health care
9 payer for providing health care;

10 (3) Knowingly concealing or failing to disclose any information with the intent to obtain
11 a health care payment to which the health care provider or any other health care provider is not
12 entitled, or to obtain a health care payment in an amount greater than that which the health care
13 provider or any other health care provider is entitled;

14 (4) Knowingly presenting a claim to a health care payer that falsely indicates that any

15 particular health care was provided to a person or persons, if in fact health care of lesser value
16 than that described in the claim was provided.

17 2. No person shall knowingly solicit or receive any remuneration, including any
18 kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return
19 for:

20 (1) Referring another person to a health care provider for the furnishing or arranging for
21 the furnishing of any health care; or

22 (2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing
23 or ordering any health care.

24 3. No person shall knowingly offer or pay any remuneration, including any kickback,
25 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to
26 induce such person to refer another person to a health care provider for the furnishing or
27 arranging for the furnishing of any health care.

28 4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in
29 price obtained by a health care provider if the reduction in price is properly disclosed and
30 appropriately reflected in the claim made by the health care provider to the health care payer, or
31 any amount paid by an employer to an employee for employment in the provision of health care.

32 5. Exceptions to the provisions of subsections 2 and 3 of this subsection shall be
33 provided for as authorized in 42 U.S.C. section 1320a-7b(3)(E), as may be from time to time
34 amended, and regulations promulgated pursuant thereto.

35 6. No person shall knowingly abuse a person receiving health care.

36 7. A person who violates subsections 1 to 4 of this section is guilty of a class D felony
37 upon his first conviction, and shall be guilty of a class C felony upon his second and subsequent
38 convictions. A prior conviction shall be pleaded and proven as provided by section 558.021,
39 RSMo. A person who violates subsection 6 of this section shall be guilty of a class C felony,
40 unless the act involves no physical, sexual or emotional harm or injury and the value of the
41 property involved is less than [one hundred fifty] **five hundred** dollars, in which event a
42 violation of subsection 6 of this section is a class A misdemeanor.

43 8. Each separate false statement or false representation of a material fact proscribed by
44 subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute
45 a separate offense and a separate violation of this section, whether or not made at the same or
46 different times, as part of the same or separate episodes, as part of the same scheme or course
47 of conduct, or as part of the same claim.

48 9. In a prosecution [under] **pursuant to** subsection 1 of this section, circumstantial
49 evidence may be presented to demonstrate that a false statement or claim was knowingly made.
50 Such evidence of knowledge may include but shall not be limited to the following:

51 (1) A claim for a health care payment submitted with the health care provider's actual,
52 facsimile, stamped, typewritten or similar signature on the claim for health care payment;

53 (2) A claim for a health care payment submitted by means of computer billing tapes or
54 other electronic means;

55 (3) A course of conduct involving other false claims submitted to this or any other health
56 care payer.

57 10. Any person convicted of a violation of this section, in addition to any fines, penalties
58 or sentences imposed by law, shall be required to make restitution to the federal and state
59 governments, in an amount at least equal to that unlawfully paid to or by the person, and shall
60 be required to reimburse the reasonable costs attributable to the investigation and prosecution
61 pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to
62 the credit of the "Medicaid Fraud Reimbursement Fund", which is hereby established in the state
63 treasury. Moneys in the Medicaid fraud reimbursement fund shall be divided and appropriated
64 to the federal government and affected state agencies in order to refund moneys falsely obtained
65 from the federal and state governments. All of such cost reimbursements attributable to the
66 investigation and prosecution shall be paid and deposited to the credit of the "Medicaid Fraud
67 Prosecution Revolving Fund", which is hereby established in the state treasury. Moneys in the
68 Medicaid fraud prosecution revolving fund may be appropriated to the attorney general, or to any
69 prosecuting or circuit attorney who has successfully prosecuted an action for a violation of
70 sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the
71 costs of the attorney general and any such prosecuting or circuit attorney in connection with their
72 duties provided by sections 191.900 to 191.910. No moneys shall be paid into the Medicaid
73 fraud protection revolving fund pursuant to this subsection unless the attorney general or
74 appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this
75 section, and the court finds in its discretion that payment of attorneys' fees and investigative costs
76 is appropriate under all the circumstances, and the attorney general and prosecuting or circuit
77 attorney shall prove to the court those expenses which were reasonable and necessary to the
78 investigation and prosecution of such case, and the court approves such expenses as being
79 reasonable and necessary. The provisions of section 33.080, RSMo, notwithstanding, moneys
80 in the Medicaid fraud prosecution revolving fund shall not lapse at the end of the biennium.

81 11. A person who violates subsections 1 to 4 of this section shall be liable for a civil
82 penalty of not less than five thousand dollars and not more than ten thousand dollars for each
83 separate act in violation of such subsections, plus three times the amount of damages which the
84 state and federal government sustained because of the act of that person, except that the court
85 may assess not more than two times the amount of damages which the state and federal
86 government sustained because of the act of the person, if the court finds:

87 (1) The person committing the violation of this section furnished personnel employed
88 by the attorney general and responsible for investigating violations of sections 191.900 to
89 191.910 with all information known to such person about the violation within thirty days after
90 the date on which the defendant first obtained the information;

91 (2) Such person fully cooperated with any government investigation of such violation;
92 and

93 (3) At the time such person furnished the personnel of the attorney general with the
94 information about the violation, no criminal prosecution, civil action, or administrative action
95 had commenced with respect to such violation, and the person did not have actual knowledge
96 of the existence of an investigation into such violation.

97 12. Upon conviction [under] **pursuant to** this section, the prosecution authority shall
98 provide written notification of the conviction to all regulatory or disciplinary agencies with
99 authority over the conduct of the defendant health care provider.

100 13. The attorney general may bring a civil action against any person who shall receive
101 a health care payment as a result of a false statement or false representation of a material fact
102 made or caused to be made by that person. The person shall be liable for up to double the
103 amount of all payments received by that person based upon the false statement or false
104 representation of a material fact, and the reasonable costs attributable to the prosecution of the
105 civil action. All such restitution shall be paid and deposited to the credit of the Medicaid fraud
106 reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit
107 of the Medicaid fraud prosecution revolving fund. No reimbursement of such costs attributable
108 to the prosecution of the civil action shall be made or allowed except with the approval of the
109 court having jurisdiction of the civil action. No civil action provided by this subsection shall be
110 brought if restitution and civil penalties provided by subsections 10 and 11 of this section have
111 been previously ordered against the person for the same cause of action.

195.211. 1. Except as authorized by sections 195.005 to 195.425 and except as provided
2 in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or
3 attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with
4 intent to distribute, deliver, manufacture, or produce a controlled substance.

5 2. Any person who violates or attempts to violate this section with respect to any
6 controlled substance [except five grams or less of marijuana] is guilty of a class B felony **unless:**

7 (1) **The controlled substance is thirty grams or less of any material, compound,**
8 **mixture or preparation which contains any quantity of the following substances having a**
9 **stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and**
10 **salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its**
11 **optical isomers; phenmetrazine and its salts; or methylphenidate; and any person under**

12 **the age of seventeen years is present during its manufacture or production or attempted**
13 **manufacture or production, in which case it is a class A felony and the term of**
14 **imprisonment shall be served without probation or parole; or**

15 **(2) The controlled substance is five grams or less of marijuana, and the person is**
16 **distributing or delivering it, in which case it is a class C felony.**

17 [3. Any person who violates this section with respect to distributing or delivering not
18 more than five grams of marijuana is guilty of a class C felony.]

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except
2 as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
3 or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
28 attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or
29 substance described in subsection 2 of this section which contains cocaine base. Violations of

30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than two grams but less than six grams the person
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is six grams or more the person shall be sentenced to the
34 authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).
40 Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the
44 authorized term of imprisonment for a class A felony which term shall be served without
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection
50 shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
54 authorized term of imprisonment for a class A felony which term shall be served without
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.
59 Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
63 authorized term of imprisonment for a class A felony which term shall be served without
64 probation or parole.

65 7. A person commits the crime of trafficking drugs in the first degree if, except as

66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than one hundred
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
71 felony;

72 (2) If the quantity involved is one hundred kilograms or more the person shall be
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
74 without probation or parole.

75 8. A person commits the crime of trafficking drugs in the first degree if, except as
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
78 compound, mixture or preparation which contains any quantity of the following substances
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection
82 or attempts to violate this subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty grams but less than ninety grams the
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85 (2) **If any person under the age of seventeen years is present during the**
86 **manufacture or production or the attempted manufacture or production or,** if the quantity
87 involved is ninety grams or more, or if the quantity involved was thirty grams or more and the
88 location of the offense was within two thousand feet of a school or public housing as defined in
89 section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which
90 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
91 maintained, advertised, or held out to the public as a place where sleeping accommodations are
92 sought for pay or compensation to transient guests or permanent guests, the person shall be
93 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
94 without probation or parole.

95 9. A person commits the crime of trafficking drugs in the first degree if, except as
96 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,
97 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
98 material, compound, mixture or preparation which contains any quantity of 3,4-
99 methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
100 subsection shall be punished as follows:

101 (1) If the quantity involved is more than thirty grams but less than ninety grams the

102 person shall be sentenced to the authorized term of imprisonment for a class A felony;

103 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
104 grams or more and the location of the offense was within two thousand feet of a school or public
105 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
106 structure or building which contains rooms furnished for the accommodation or lodging of
107 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
108 accommodations are sought for pay or compensation to transient guests or permanent guests, the
109 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
110 shall be served without probation or parole.

217.720. 1. At any time during release on parole or conditional release the board may
2 issue a warrant for the arrest of a released offender for violation of any of the conditions of
3 parole or conditional release. The warrant shall authorize any law enforcement officer to return
4 the offender to the actual custody of the correctional center from which the offender was
5 released, or to any other suitable facility designated by the board. If any parole or probation
6 officer has probable cause to believe that such offender has violated a condition of parole or
7 conditional release, the probation or parole officer may issue a warrant for the arrest of the
8 offender. The probation or parole officer may effect the arrest or may deputize any officer with
9 the power of arrest to do so by giving the officer a copy of the warrant which shall outline the
10 circumstances of the alleged violation and contain the statement that the offender has, in the
11 judgment of the probation or parole officer, violated conditions of parole or conditional release.
12 The warrant delivered with the offender by the arresting officer to the official in charge of any
13 facility designated by the board to which the offender is brought shall be sufficient legal authority
14 for detaining the offender. After the arrest the parole or probation officer shall present to the
15 detaining authorities a similar statement of the circumstances of violation. Pending hearing as
16 hereinafter provided, upon any charge of violation, the offender shall remain in custody or
17 incarcerated without consideration of bail. **In the event the offender is placed in the custody
18 of any jail or medium security institution operated by a county or city not within a county,
19 such offender shall be transferred as soon as possible, and in any event no later than ten
20 days following arrest, to the custody of the Missouri Department of Corrections. Any
21 county or city not within a county that had temporary custody of such an offender shall
22 be reimbursed by the state in such amounts and in such manner as provided in section
23 221.105.1, RSMo, for the period in which it had custody of said offender prior to transfer.
24 Any such offender shall remain in the custody of the Missouri Department of Corrections
25 except on those days when court appearances are required, and any jail or medium
26 security institution operated by any county or city not within a county accepting custody
27 of such offender on such days shall be reimbursed by the state in such amounts and in such**

28 **manner as provided in section 221.105.1, RSMo.**

29 2. If the offender is arrested under the authority granted in subsection 1 of this section,
30 the offender shall have the right to a preliminary hearing on the violation charged unless the
31 offender waives such hearing. Upon such arrest and detention, the parole or probation officer
32 shall immediately notify the board and shall submit in writing a report showing in what manner
33 the offender has violated the conditions of his parole or conditional release. The board shall
34 order the offender discharged from such facility, require as a condition of parole or conditional
35 release the placement of the offender in a treatment center operated by the department of
36 corrections, or shall cause the offender to be brought before it for a hearing on the violation
37 charged, under such rules and regulations as the board may adopt. **Any such hearing shall be**
38 **held no later than 45 days following the date of arrest.** If the violation is established and
39 found, the board may continue or revoke the parole or conditional release, or enter such other
40 order as it may see fit. If no violation is established and found, then the parole or conditional
41 release shall continue. If at any time during release on parole or conditional release the offender
42 is arrested for a crime which later leads to conviction, and sentence is then served outside the
43 Missouri department of corrections, the board shall determine what part, if any, of the time from
44 the date of arrest until completion of the sentence imposed is counted as time served under the
45 sentence from which the offender was paroled or conditionally released.

46 3. An offender for whose return a warrant has been issued by the board shall, if it is
47 found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled
48 from justice. If it shall appear that the offender has violated the provisions and conditions of his
49 parole or conditional release, the board shall determine whether the time from the issuing date
50 of the warrant to the date of his arrest on the warrant, or continuance on parole or conditional
51 release shall be counted as time served under the sentence. In all other cases, time served on
52 parole or conditional release shall be counted as time served under the sentence.

53 4. At any time during parole or probation, the board may issue a warrant for the arrest
54 of any person from another jurisdiction, the visitation and supervision of whom the board has
55 undertaken pursuant to the provisions of the interstate compact for the supervision of parolees
56 and probationers authorized in section 217.810, for violation of any of the conditions of release,
57 or a notice to appear to answer a charge of violation. The notice shall be served personally upon
58 the person. The warrant shall authorize any law enforcement officer to return the offender to any
59 suitable detention facility designated by the board. Any parole or probation officer may arrest
60 such person without a warrant, or may deputize any other officer with power of arrest to do so
61 by issuing a written statement setting forth that the defendant has, in the judgment of the parole
62 or probation officer, violated the conditions of his release. The written statement delivered with
63 the person by the arresting officer to the official in charge of the detention facility to which the

64 person is brought shall be sufficient legal authority for detaining him. After making an arrest the
65 parole or probation officer shall present to the detaining authorities a similar statement of the
66 circumstances of violation.

217.722. 1. If any probation officer has probable cause to believe that the person on
2 probation has violated a condition of probation, the probation officer may issue a warrant for the
3 arrest of the person on probation. The officer may effect the arrest or may deputize any other
4 officer with the power of arrest to do so by giving the officer a copy of the warrant which will
5 outline the circumstances of the alleged violation and contain the statement that the person on
6 probation has, in the judgment of the probation officer, violated the conditions of probation. The
7 warrant delivered with the offender by the arresting officer to the official in charge of any jail
8 or other detention facility shall be sufficient authority for detaining the person on probation
9 pending a preliminary hearing on the alleged violation. **In the event the offender is placed in**
10 **the custody of any jail or medium security institution operated by a county or city not**
11 **within a county, such offender shall be transferred as soon as possible, and in any event**
12 **no later than ten days following arrest, to the custody of the Missouri Department of**
13 **Corrections. Any county or city not within a county that had temporary custody of such**
14 **an offender shall be reimbursed by the state in such amounts and in such manner as**
15 **provided in section 221.105.1, RSMo, for the period in which it had custody of said**
16 **offender prior to transfer. Any such offender shall remain in the custody of the Missouri**
17 **Department of Corrections except on those days when court appearances are required, and**
18 **any jail or medium security institution operated by any county or city not within a county**
19 **accepting custody of such offender on such days shall be reimbursed by the state in such**
20 **amounts and in such manner as provided in section 221.105.1, RSMo.** Other provisions of
21 law relating to release on bail of persons charged with criminal offenses shall be applicable to
22 persons detained on alleged probation violations.

23 2. Any person on probation arrested under the authority granted in subsection 1 of this
24 section shall have the right to a preliminary hearing on the violation charged as long as the
25 person on probation remains in custody or unless the offender waives such hearing. The person
26 on probation shall be notified immediately in writing of the alleged probation violation. If
27 arrested in the jurisdiction of the sentencing court, and the court which placed the person on
28 probation is immediately available, the preliminary hearing shall be heard by the sentencing
29 court. Otherwise, the person on probation shall be taken before a judge or associate circuit judge
30 in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses
31 or before an impartial member of the staff of the Missouri board of probation and parole, and the
32 preliminary hearing shall be held as soon as possible after the arrest, **and in any event no later**
33 **than 14 days following the date of arrest.** Such preliminary hearings shall be conducted as

34 provided by rule of court or by rules of the Missouri board of probation and parole. If it appears
35 that there is probable cause to believe that the person on probation has violated a condition of
36 probation, or if the person on probation waives the preliminary hearing, the judge or associate
37 circuit judge, or member of the staff of the Missouri board of probation and parole shall order
38 the person on probation held for further proceedings in the sentencing court. If probable cause
39 is not found, the court shall not be barred from holding a hearing on the question of the alleged
40 violation of a condition of probation nor from ordering the person on probation to be present at
41 such a hearing.

42 3. Upon such arrest and detention, the probation officer shall immediately notify the
43 sentencing court and shall submit to the court a written report showing in what manner the
44 person on probation has violated the conditions of probation. Thereupon, or upon arrest by
45 warrant, the court shall cause the person on probation to be brought before it without unnecessary
46 delay **and in any event no later than 45 days following the date of arrest, unless extended**
47 **for good cause**, for a hearing on the violation charged. Revocation hearings shall be conducted
48 as provided by rule of court.

252.235. The sale, taking for sale or possession for sale of any species of fish or wildlife,
2 or parts thereof, which shall include eggs, which have been taken or possessed in violation of the
3 rules and regulations of the commission, is prohibited. Any person violating the provisions of
4 this section shall be guilty of a class A misdemeanor for the first offense if the sale amounts to
5 less than [one hundred fifty] **five hundred** dollars. Any person violating the provisions of this
6 section shall be guilty of a class D felony for the second and subsequent offense if the sale
7 amounts to less than [one hundred fifty] **five hundred** dollars. Any person violating the
8 provisions of this section shall be guilty of a class C felony for the first and all subsequent
9 offenses if the sale amounts to [more than one hundred fifty] **five hundred** dollars **or more**.
10 "Sale" means the exchange of an amount of money, other negotiable instruments, or property of
11 value received by the person or persons selling the prohibited species. "Sale", for purposes of
12 this section, shall also mean the intention to exchange an amount of money, other negotiable
13 instruments or property of value for a prohibited species. For the purposes of this section
14 "property" is defined by section 570.010, RSMo, and value shall be ascertained as set forth in
15 section 570.020, RSMo.

302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which he **or she** is
3 accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against him **or her** for any such violation within the period
6 of time specified or in such installments as approved by the court or as otherwise provided by

7 law, any court having jurisdiction over the charges shall within ten days of the failure to comply
8 inform the defendant by ordinary mail at the last address shown on the court records that the
9 court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver
15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall reinstate the license. The filing of financial responsibility with the bureau of
22 safety responsibility, department of revenue, shall not be required as a condition of reinstatement
23 of a driver's license suspended solely under the provisions of this section. If any city, town, or
24 village receives more than [forty-five] **thirty-five** percent of its [total] annual **general operating**
25 revenue from fines **and court costs** for traffic violations occurring on state highways, all
26 revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual
27 **general operating** revenue of the city, town, or village shall be sent to the director of the
28 department of revenue and shall be distributed annually to the schools of the county in the same
29 manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal
30 laws of the state are distributed. For the purpose of this section the words "state highways" shall
31 mean any state or federal highway, including any such highway continuing through the
32 boundaries of a city, town or village with a designated street name other than the state highway
33 number.

34 **2. If any city, town, or village fails to send such excess revenues to the director of**
35 **the department of revenue in a timely fashion which shall be set forth by the director by**
36 **rule, such city, town, or village shall submit to an annual audit by the state auditor**
37 **pursuant to the authority of Article IV, Section 13 of the Missouri Constitution. No rule**
38 **or portion of a rule promulgated pursuant to the authority of this section shall become**
39 **effective unless it has been promulgated pursuant to chapter 536, RSMo.**

302.510. 1. Except as provided in subsection 3 of this section, a law enforcement officer
2 who arrests any person for a violation of any state statute related to driving while intoxicated or
3 for a violation of a county or municipal ordinance prohibiting driving while intoxicated or a

4 county or municipal alcohol-related traffic offense, and in which the alcohol concentration in the
5 person's blood, breath, or urine was eight-hundredths of one percent or more by weight or
6 two-hundredths of one percent or more by weight for anyone less than twenty-one years of age,
7 shall forward to the department a [verified] **certified** report of all information relevant to the
8 enforcement action, including information which adequately identifies the arrested person, a
9 statement of the officer's grounds for belief that the person violated any state statute related to
10 driving while intoxicated or was less than twenty-one years of age and was driving with
11 two-hundredths of one percent or more by weight of alcohol in the person's blood, or a county
12 or municipal ordinance prohibiting driving while intoxicated or a county or municipal
13 alcohol-related traffic offense, a report of the results of any chemical tests which were conducted,
14 and a copy of the citation and complaint filed with the court.

15 2. The report required by this section shall be **certified under penalties of perjury or**
16 **for making a false statement to a public official and** made on forms supplied by the
17 department or in a manner specified by regulations of the department.

18 3. A county or municipal ordinance prohibiting driving while intoxicated or a county or
19 municipal alcohol-related traffic offense may not be the basis for suspension or revocation of a
20 driver's license pursuant to sections 302.500 to 302.540, unless the arresting law enforcement
21 officer, other than an elected peace officer or official, has been [certified] **licensed** by the director
22 of the department of public safety pursuant to the provisions of [sections 590.100 to
23 590.180] **chapter 590**, RSMo.

302.530. 1. Any person who has received a notice of suspension or revocation may
2 make a request within fifteen days of receipt of the notice for a review of the department's
3 determination at a hearing. If the person's driver's license has not been previously surrendered,
4 it [shall] **may** be surrendered at the time the request for a hearing is made.

5 2. At the time the request for a hearing is made, if it appears from the record that the
6 person is the holder of a valid driver's license issued by this state, and that the driver's license has
7 been surrendered as required, the department shall issue a temporary permit which shall be valid
8 until the scheduled date for the hearing. The department may later issue an additional temporary
9 permit or permits in order to stay the effective date of the suspension or revocation until the final
10 order is issued following the hearing, as required by section 302.520.

11 3. The hearing may be held by telephone, or if requested by the person, such person's
12 attorney or representative, in the county where the arrest was made. The hearing shall be
13 conducted by examiners who are licensed to practice law in the state of Missouri and who are
14 employed by the department on a part-time or full-time basis as the department may determine.

15 4. The sole issue at the hearing shall be whether by a preponderance of the evidence the
16 person was driving a vehicle pursuant to the circumstances set out in section 302.505. The

17 burden of proof shall be on the state to adduce such evidence. If the department finds the
18 affirmative of this issue, the suspension or revocation order shall be sustained. If the department
19 finds the negative of the issue, the suspension or revocation order shall be rescinded.

20 5. The procedure at such hearing shall be conducted in accordance with chapter 536,
21 RSMo, not otherwise in conflict with sections 302.500 to 302.540. **A report certified pursuant**
22 **to subsection 2 of section 302.510, shall be admissible as evidence as a record of the agency**
23 **in a like manner as a verified report and any provision of chapter 536, RSMo, to the**
24 **contrary shall not apply.**

25 6. The department shall promptly notify, by certified letter, the person of its decision
26 including the reasons for that decision. Such notification shall include a notice advising the
27 person that the department's decision shall be final within fifteen days from the date of
28 certification of the letter unless the person challenges the department's decision within that time
29 period by filing an appeal in the circuit court in the county where the arrest occurred.

30 7. Unless the person, within fifteen days after being notified by certified letter of the
31 department's decision, files an appeal for judicial review pursuant to section 302.535, the
32 decision of the department shall be final.

33 8. The director may adopt any rules and regulations necessary to carry out the provisions
34 of this section.

304.351. 1. The driver of a vehicle approaching an intersection shall yield the
2 right-of-way to a vehicle which has entered the intersection from a different highway, provided,
3 however, there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at approximately the
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left
8 turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall yield
10 the right-of-way to any vehicle approaching from the opposite direction which is within the
11 intersection or so close thereto as to constitute an immediate hazard.

12 4. The state highways and transportation commission with reference to state highways
13 and local authorities with reference to other highways under their jurisdiction may designate
14 through highways and erect stop signs or yield signs at specified entrances thereto, or may
15 designate any intersection as a stop intersection or as a yield intersection and erect stop signs or
16 yield signs at one or more entrances to such intersection.

17 (1) Preferential right-of-way at an intersection may be indicated by stop signs or yield
18 signs as authorized in this section:

19 (a) Except when directed to proceed by a police officer or traffic-control signal, every
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic in the intersecting roadway before entering the intersection. After having
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection
25 from another highway or which is approaching so closely on the highway as to constitute an
26 immediate hazard during the time when such driver is moving across or within the intersection.

27 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching
32 on another highway so closely as to constitute an immediate hazard during the time such traffic
33 is moving across or within the intersection.

34 5. The driver of a vehicle about to enter or cross a highway from an alley, building or any
35 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway
36 to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor.

48 **9. In addition to the penalty specified in subsection 8 of this section, any person who**
49 **pleads guilty to or is found guilty of a violation of this section in which the offender is**
50 **found to have caused physical injury shall be assessed a court cost of two hundred dollars.**
51 **The court may issue an order of suspension of such persons driving privilege for a period**
52 **of thirty days.**

53 **10. In addition to the penalty specified in subsection 8 of this section, any person**
54 **who pleads guilty to or is found guilty of a violation of this section in which the offender**

55 is found to have caused serious physical injury shall be assessed a court cost of five
56 hundred dollars. The court may issue an order of suspension of such persons driving
57 privilege for a period of ninety days.

58 **11. In addition to the penalty specified in subsection 8 of this section, any person**
59 **who pleads guilty to or is found guilty of a violation of this section in which the offender**
60 **is found to have caused a fatality shall be assessed a court cost of one thousand dollars.**
61 **The court may issue an order of suspension of such persons driving privilege for a period**
62 **of six months.**

63 **12. Notwithstanding the provisions of any other law to the contrary, all court costs**
64 **collected pursuant to subsections 9, 10, and 11 of this section shall be deposited in the**
65 **motorcycle safety trust fund established under section 302.137, RSMo.**

304.370. 1. For purposes of this section, "hazardous materials" shall be as defined
2 **pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.**

3 **2. No person shall transport hazardous materials in or through any highway tunnel**
4 **in this state.**

5 **3. No person shall park a vehicle containing hazardous materials within three**
6 **hundred feet of any highway tunnel in this state except as provided pursuant to Part 397,**
7 **Title 49, Code of Federal Regulations, as adopted and amended.**

8 **4. Any person who is found or pleads guilty to a violation of this section shall be**
9 **guilty of a class B misdemeanor. Any person who is found or pleads guilty to a second or**
10 **subsequent violation of this section shall be guilty of a class A misdemeanor. Violations of**
11 **this section shall be enforced pursuant to section 390.201, RSMo.**

306.124. 1. (1) "Aids to navigation" means buoys, beacons or other fixed objects in the
2 water which are used to mark obstructions to navigation or to direct navigation through safe
3 channels.

4 (2) "Regulatory markers" means any anchored or fixed markers in or on the water or
5 signs on the shore or on bridges over the water other than aids to navigation and shall include
6 but not be limited to bathing markers, speed zone markers, information markers, danger zone
7 markers, boat keep-out areas, and mooring buoys.

8 2. The Missouri state water patrol after a public hearing pursuant to notice thereof
9 published not less than ten days prior thereto in each county to be affected may provide for the
10 uniform marking of the water areas in this state through the placement of aids to navigation and
11 regulatory markers. The Missouri state water patrol shall establish a marking system compatible
12 with the system of aids to navigation prescribed by the United States Coast Guard. No city,
13 county, or person shall mark or obstruct the water of this state in any manner so as to endanger
14 the operation of watercraft or conflict with the marking system prescribed by the state water

15 patrol.

16 **3. Whenever, due to any actual or imminent man-made or natural disaster, the**
17 **navigation or use of any waters of this state presents an unreasonable danger to persons**
18 **or property, the Missouri state water patrol may, with the consent of the director of the**
19 **department of public safety, close such waters by the placement of regulatory markers.**

20 [3.] **4.** The operation of any watercraft within prohibited areas that are marked shall be
21 prima facie evidence of negligent operation.

22 [4.] **5.** It shall be unlawful for any person to operate a watercraft on the waters of this
23 state in a manner other than that prescribed or permitted by regulatory markers.

24 [5.] **6.** No person shall moor or fasten a watercraft to or willfully damage, tamper,
25 remove, obstruct, or interfere with any aid to navigation or regulatory marker established
26 pursuant to sections 306.010 to 306.126.

307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor and
2 trailer combination, or other commercial motor vehicle and trailer upon any highway of this
3 state, whether intrastate transportation or interstate transportation, transporting materials defined
4 and classified as hazardous by the United States Department of Transportation pursuant to Title
5 49 of the Code of Federal Regulations, as such regulations have been and may periodically be
6 amended, unless such vehicle is equipped with the equipment required by and be operated in
7 accordance with safety and hazardous materials regulations for such vehicles as adopted by the
8 United States Department of Transportation.

9 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
10 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
11 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
12 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

13 3. Failure to comply with the requirements of this section may result in the commercial
14 motor vehicle and trailer and driver of such vehicle and trailer being placed out of service.
15 Criteria used for placing drivers and vehicles out of service are the North American Uniform
16 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
17 States Department of Transportation, as such criteria have been and may periodically be
18 amended.

19 **4. Violation of this section shall be deemed a class A misdemeanor.**

316.150. As used in sections 316.150 to 316.185, the following terms mean:

2 (1) "County", any county of this state except a [county having a charter form of
3 government and having a population of nine hundred thousand inhabitants or more and no] city
4 not within a county which exercises county functions;

5 (2) "County clerk", the clerk of the county commission or governing body of a county;

6 (3) "Festival", any music festival, dance festival, "rock" festival, **"rave"**, or similar
7 musical activity likely to attract five [thousand] **hundred** or more people at such an activity
8 which will continue uninterrupted for a period of twelve hours or more, at which music is
9 provided by paid or amateur performers or by prerecorded means, and which is held at any place
10 within this state, and to which members of the public are invited or admitted for a charge. It
11 shall not include a county fair or youth fair approved by the Missouri department of agriculture,
12 or any activity conducted by any current or future ongoing licensed business in a permanent
13 location[.];

14 (4) **"Rave", an all-night dance party, especially one where techno, house, or other**
15 **electronically synthesized music is played;**

16 (5) "Sheriff", the sheriff of any county in this state.

316.155. No person shall operate, maintain, conduct, advertise, or sell, or furnish tickets
2 for a festival in any county in this state unless [he] **such person** first obtains a license from that
3 county to operate, maintain, or conduct the festival. This provision shall not apply to [counties
4 of the first class having a charter form of government and having a population of nine hundred
5 thousand inhabitants or more and no] **any** city not within a county which exercises county
6 functions.

338.055. 1. The board may refuse to issue any certificate of registration or authority,
2 permit or license required pursuant to this chapter for one or any combination of causes stated
3 in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for
4 the refusal and shall advise the applicant of his right to file a complaint with the administrative
5 hearing commission as provided by chapter 621, RSMo.

6 2. The board may cause a complaint to be filed with the administrative hearing
7 commission as provided by chapter 621, RSMo, against any holder of any certificate of
8 registration or authority, permit or license required by this chapter or any person who has failed
9 to renew or has surrendered his certificate of registration or authority, permit or license for any
10 one or any combination of the following causes:

11 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
12 beverage to an extent that such use impairs a person's ability to perform the work of any
13 profession licensed or regulated by this chapter;

14 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty
15 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,
16 for any offense reasonably related to the qualifications, functions or duties of any profession
17 licensed or regulated under this chapter, for any offense an essential element of which is fraud,
18 dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not
19 sentence is imposed;

- 20 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of
21 registration or authority, permit or license issued pursuant to this chapter or in obtaining
22 permission to take any examination given or required pursuant to this chapter;
- 23 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
24 fraud, deception or misrepresentation;
- 25 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
26 in the performance of the functions or duties of any profession licensed or regulated by this
27 chapter;
- 28 (6) Violation of, or assisting or enabling any person to violate, any provision of this
29 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- 30 (7) Impersonation of any person holding a certificate of registration or authority, permit
31 or license or allowing any person to use his or her certificate of registration or authority, permit,
32 license or diploma from any school;
- 33 (8) Disciplinary action against the holder of a license or other right to practice any
34 profession regulated by this chapter granted by another state, territory, federal agency or country
35 upon grounds for which revocation or suspension is authorized in this state;
- 36 (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;
- 37 (10) Assisting or enabling any person to practice or offer to practice any profession
38 licensed or regulated by this chapter who is not registered and currently eligible to practice under
39 this chapter;
- 40 (11) Issuance of a certificate of registration or authority, permit or license based upon
41 a material mistake of fact;
- 42 (12) Failure to display a valid certificate or license if so required by this chapter or any
43 rule promulgated hereunder;
- 44 (13) Violation of any professional trust or confidence;
- 45 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to
46 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 47 (15) Violation of the drug laws or rules and regulations of this state, any other state or
48 the federal government;
- 49 (16) The intentional act of substituting or otherwise changing the content, formula or
50 brand of any drug prescribed by written or oral prescription without prior written or oral approval
51 from the prescriber for the respective change in each prescription; provided, however, that
52 nothing contained herein shall prohibit a [pharmacist] **licensee or registrant** from substituting
53 or changing the brand of any drug as provided under section 338.056, and any such substituting
54 or changing of the brand of any drug as provided for in section 338.056 shall not be deemed
55 unprofessional or dishonorable conduct unless a violation of section 338.056 occurs;

56 (17) Personal use or consumption of any controlled substance unless it is prescribed,
57 dispensed or administered by a health care provider who is authorized by law to do so.

58 3. After the filing of such complaint, the proceedings shall be conducted in accordance
59 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
60 commission that the grounds, provided in subsection 2, for disciplinary action are met, the board
61 may, singly or in combination, censure or place the person named in the complaint on probation
62 on such terms and conditions as the board deems appropriate for a period not to exceed five
63 years, or may suspend, for a period not to exceed three years, or revoke the license, certificate,
64 or permit. The board may impose additional discipline on a licensee, registrant or permittee
65 found to have violated any disciplinary terms previously imposed under this section or by
66 agreement. The additional discipline may include, singly or in combination, censure, placing the
67 licensee, registrant or permittee named in the complaint on additional probation on such terms
68 and conditions as the board deems appropriate, which additional probation shall not exceed five
69 years, or suspension for a period not to exceed three years, or revocation of the license, certificate
70 or permit.

71 4. If the board concludes that a [pharmacist] **licensee or registrant** has committed an
72 act or is engaging in a course of conduct which would be grounds for disciplinary action which
73 constitutes a [clear and present danger] **probability of serious danger** to the public health and
74 safety, the board may file a complaint before the administrative hearing commission requesting
75 an expedited hearing and specifying the activities which give rise to the danger and the nature
76 of the proposed restriction or suspension of the [pharmacist's] **licensee's or registrant's** license.
77 Within fifteen days after service of the complaint on the [pharmacist] **licensee or registrant**, the
78 administrative hearing commission shall conduct a preliminary hearing to determine whether the
79 alleged activities of the [pharmacist] **licensee or registrant** appear to constitute a [clear and
80 present danger] **probability of serious danger** to the public health and safety which justify that
81 the [pharmacist's] **licensee's or registrant's** license be immediately restricted or suspended. The
82 burden of proving that **the actions of a [pharmacist is] licensee or registrant constitute** a [clear
83 and present danger] **probability of serious danger** to the public health and safety shall be upon
84 the state board of pharmacy. The administrative hearing commission shall issue its decision
85 immediately after the hearing and shall either grant to the board the authority to suspend or
86 restrict the license or dismiss the action.

87 5. If the administrative hearing commission grants temporary authority to the board to
88 restrict or suspend the [pharmacist's] **licensee's or registrant's** license, such temporary authority
89 of the board shall become final authority if there is no request by the [pharmacist] **licensee or**
90 **registrant** for a full hearing within thirty days of the preliminary hearing. The administrative
91 hearing commission shall, if requested by the [pharmacist] **licensee or registrant** named in the

92 complaint, set a date to hold a full hearing under the provisions of chapter 621, RSMo, regarding
93 the activities alleged in the initial complaint filed by the board.

94 6. If the administrative hearing commission dismisses the action filed by the board
95 pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a
96 subsequent action on the same grounds.

97 **7. If the board concludes that a licensee or registrant has committed an act or is**
98 **engaging in a course of conduct which would be grounds for disciplinary action and which**
99 **constitutes a probability of serious danger to the public health and safety, the board may**
100 **restrict or suspend the license of the licensee, registrant, or permittee pending action of the**
101 **administrative hearing commission. Within three business days of such suspension, the**
102 **board shall file a complaint before the administrative hearing commission requesting an**
103 **expedited hearing and decision pursuant to subsection 4 of this section.**

407.472. 1. When it appears to the attorney general that a person has engaged in, is
2 engaging in or is about to engage in any method, use, act or practice declared to be unlawful by
3 sections 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of**
4 **any charitable organization are being used, or are about to be used, for an unlawful**
5 **purpose**, or when he **or she** believes it to be in the public interest that an investigation should
6 be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to
7 engage in any such act or practice he **or she** may issue and cause to be served a civil investigative
8 demand to assist in the investigation of the matter. The issuance and enforcement of each civil
9 investigative demand shall be in compliance with all of the terms and provisions of sections
10 407.040 to 407.090.

11 2. Whenever it appears to the attorney general that a person has engaged in, is engaging
12 in, or is about to engage in any method, use, act, or practice declared to be unlawful by sections
13 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of any**
14 **charitable organization are being used, or are about to be used, for an unlawful purpose**,
15 he **or she** may bring an action pursuant to section 407.100 for an injunction prohibiting such
16 person from continuing such methods, uses, acts, or practices, or engaging therein, or doing
17 anything in furtherance thereof. In any action brought by the attorney general [under] **pursuant**
18 **to** this subsection all of the provisions of sections 407.100 to 407.140 shall apply thereto.

407.760. For the purpose of this section and section 407.762, the definitions set forth
2 **in section 407.010 shall apply, and in addition the following terms shall mean:**

3 (1) "Consumer market disruption", an actual change in the market for essential
4 consumer merchandise due to stress of weather, convulsion of nature, failure, strike, civil
5 disorder, war, act of terrorism, or military action and officially declared as a statewide
6 emergency or disaster. The term consumer market disruption shall not include statewide

7 emergencies or disasters declared by an executive order to access the rainy day fund, to
8 balance the state budget, or any similar emergency or disaster;

9 (2) "Essential consumer merchandise", merchandise used, bought or rendered
10 primarily for personal or business purposes and essential to the health, safety or welfare
11 of consumers.

407.762. 1. It shall be unlawful for any person to exercise unfair leverage when
2 selling essential consumer merchandise during a consumer market disruption.

3 2. Whether a sale constitutes an exercise of unfair leverage is a matter of law for
4 the court to determine.

5 3. Any of the following may be offered as evidence of the exercise of unfair
6 leverage:

7 (1) A gross disparity between the price at which the seller sold the essential
8 consumer merchandise and the seller's price for any similar sale made in the usual course
9 of business immediately before the onset of the consumer market disruption; or

10 (2) A gross disparity between the price at which the seller sold the essential
11 consumer merchandise and the price at which the same or comparable essential consumer
12 merchandise was readily available to consumers in the trade area at the time of the sale.

13 4. A seller may rebut an allegation of exercising unfair leverage with evidence that
14 the seller did not exercise unfair leverage, including but not limited to evidence that any
15 gross disparity in price was justified by a corresponding gross disparity in costs imposed
16 on the seller and not within the seller's control.

17 5. A person who violates this section may be liable for:

18 (1) Restitution to any consumer against whom the person exercised unfair leverage
19 in violation of this section; and

20 (2) A civil penalty to the state of Missouri in an amount not to exceed the greater
21 of three thousand dollars or twice the amount gained unlawfully in violation of this section.

22 6. Only the attorney general shall have authority to commence a civil action for a
23 violation of this section.

453.110. 1. No person, agency, organization or institution shall surrender custody of a
2 minor child, or transfer the custody of such a child to another, and no person, agency,
3 organization or institution shall take possession or charge of a minor child so transferred, without
4 first having filed a petition before the circuit court sitting as a juvenile court of the county where
5 the child may be, praying that such surrender or transfer may be made, and having obtained such
6 an order from such court approving or ordering transfer of custody.

7 2. If any such surrender or transfer is made without first obtaining such an order, such
8 court shall, on petition of any public official or interested person, agency, organization or

9 institution, order an investigation and report as described in section 453.070 to be completed by
10 the division of family services and shall make such order as to the custody of such child in the
11 best interest of such child.

12 3. Any person violating the terms of this section shall be guilty of a class D felony
13 **unless:**

14 (1) **The child surrendered or transferred in violation of this section was not**
15 **physically harmed while in the custody of the person receiving custody of the child; and**

16 (2) **The person surrendering or transferring custody had lawful custody at the time**
17 **of transfer or surrender and consented to the act and voluntarily relinquished custody of**
18 **the child to the person receiving such custody; and**

19 (3) **The surrender or transfer of the child did not involve fraud, duress, or undue**
20 **influence by the person receiving custody of the child; and**

21 (4) **The person surrendering or transferring custody surrendered or transferred**
22 **custody to another person who resided with the person surrendering or transferring**
23 **custody.**

24 4. The investigation required by subsection 2 of this section shall be initiated by the
25 division of family services within forty-eight hours of the filing of the court order requesting the
26 investigation and report and shall be completed within thirty days. The court shall order the
27 person having custody in violation of the provisions of this section to pay the costs of the
28 investigation and report.

29 5. This section shall not be construed to prohibit any parent, agency, organization or
30 institution from placing a child in a family home for care if the right to supervise the care of the
31 child and to resume custody thereof is retained, or from placing a child with a licensed foster
32 home within the state through a child placing agency licensed by this state as part of a
33 preadoption placement.

34 6. After the filing of a petition for the transfer of custody for the purpose of adoption,
35 the court may enter an order of transfer of custody if the court finds all of the following:

36 (1) A family assessment has been made as required in section 453.070 and has been
37 reviewed by the court;

38 (2) A recommendation has been made by the guardian ad litem;

39 (3) A petition for transfer of custody for adoption has been properly filed or an order
40 terminating parental rights has been properly filed;

41 (4) The financial affidavit has been filed as required under section 453.075;

42 (5) The written report regarding the child who is the subject of the petition containing
43 the information has been submitted as required by section 453.026;

44 (6) Compliance with the Indian Child Welfare Act, if applicable; and

45 (7) Compliance with the Interstate Compact on the Placement of Children pursuant to
46 section 210.620, RSMo.

47 7. A hearing on the transfer of custody for the purpose of adoption is not required if:

48 (1) The conditions set forth in subsection 6 of this section are met;

49 (2) The parties agree and the court grants leave; and

50 (3) Parental rights have been terminated pursuant to section 211.444 or 211.447, RSMo.

491.707. 1. In all prosecutions brought under chapter 566, RSMo, sections 565.050, 565.060, and 565.070, RSMo, sections 568.045, 568.050, 568.060, 568.080, and 568.090, RSMo, and sections 573.025 and 573.040, RSMo, the defendant shall be physically excluded from the room in which any and all discovery deposition proceedings are conducted at which a child victim will testify.

6 2. As used in this section "child victim" means any person who is less than 7 seventeen years of age.

544.170. 1. Except as provided in subsection 2 of this section, all persons arrested and
2 confined in any jail or other place of confinement by any peace officer, without warrant or other
3 process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof,
4 shall be discharged from said custody within twenty hours from the time of such arrest, unless
5 they shall be charged with a criminal offense by the oath of some credible person, and be held
6 by warrant to answer to such offense.

7 2. Upon a determination by the commanding officer, or the delegate thereof, of the law
8 enforcement agency making such an arrest, a person arrested for any [of the following offenses]
9 **felony offense** without warrant or other process of law shall be released from custody within
10 [twenty-four] **thirty-two** hours of arrest, unless the person is charged and held pursuant to a
11 warrant to answer for such offense[:

12 (1) First degree murder pursuant to section 565.020, RSMo;

13 (2) Second degree murder pursuant to section 565.021, RSMo;

14 (3) First degree assault pursuant to section 565.050, RSMo;

15 (4) Forcible rape pursuant to section 566.030, RSMo;

16 (5) Forcible sodomy pursuant to section 566.060, RSMo;

17 (6) First degree robbery pursuant to section 569.020, RSMo; or

18 (7) Distribution of drugs pursuant to section 195.211, RSMo].

19 3. In any confinement to which the provisions of this section apply, the confinee shall
20 be permitted at any reasonable time to consult with counsel or other persons acting on the
21 confinee's behalf.

22 4. Any person who violates the provisions of this section, by refusing to release any
23 person who is entitled to release pursuant to this section, or by refusing to permit a confinee to

24 consult with counsel or other persons, or who transfers any such confinees to the custody or
25 control of another, or to another place, or who falsely charges such person, with intent to avoid
26 the provisions of this section, is guilty of a class A misdemeanor.

547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in
2 a criminal cause, except where the defendant is under sentence of death or imprisonment in the
3 penitentiary for life, or a sentence of imprisonment for a violation of sections 195.222, RSMo,
4 565.021, RSMo, 565.050, RSMo, [or] subsections 1 and 2 of section 566.030, **566.032, 566.040,**
5 **566.060, 566.062, 566.070, or 566.100,** RSMo, any court or officer authorized to order a stay
6 of proceedings under the preceding provisions may allow a writ of habeas corpus, to bring up
7 the defendant, and may thereupon let him to bail upon a recognizance, with sufficient sureties,
8 to be approved by such court or judge.

556.061. In this code, unless the context requires a different definition, the following
2 shall apply:

3 (1) "Affirmative defense" has the meaning specified in section 556.056;

4 (2) "Burden of injecting the issue" has the meaning specified in section 556.051;

5 (3) "Commercial film and photographic print processor", any person who develops
6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
7 or slides, for compensation. The term commercial film and photographic print processor shall
8 include all employees of such persons but shall not include a person who develops film or makes
9 prints for a public agency;

10 (4) "Confinement":

11 (a) A person is in confinement when such person is held in a place of confinement
12 pursuant to arrest or order of a court, and remains in confinement until:

13 a. A court orders the person's release; or

14 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

15 c. A public servant having the legal power and duty to confine the person authorizes his
16 release without guard and without condition that he return to confinement;

17 (b) A person is not in confinement if:

18 a. The person is on probation or parole, temporary or otherwise; or

19 b. The person is under sentence to serve a term of confinement which is not continuous,
20 or is serving a sentence under a work-release program, and in either such case is not being held
21 in a place of confinement or is not being held under guard by a person having the legal power
22 and duty to transport the person to or from a place of confinement;

23 (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not
24 constitute consent if:

25 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged

26 to constitute the offense and such mental incapacity is manifest or known to the actor; or

27 (b) It is given by a person who by reason of youth, mental disease or defect, or
28 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable
29 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

30 (c) It is induced by force, duress or deception;

31 (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;

32 (7) "Custody", a person is in custody when the person has been arrested but has not been
33 delivered to a place of confinement;

34 (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first
35 degree, forcible rape, forcible sodomy, kidnapping, murder in the second degree [and], robbery
36 in the first degree, **or an attempt to commit any of the preceding felonies, statutory rape in**
37 **the first degree when the victim is a child less than twelve years of age at the time of the**
38 **commission of the act giving rise to the offense, statutory sodomy in the first degree when**
39 **the victim is a child less than twelve years of age at the time of the commission of the act**
40 **giving rise to the offense, and abuse of a child pursuant to subdivision (2) of subsection 3**
41 **of section 568.060, RSMo;**

42 (9) "Dangerous instrument" means any instrument, article or substance, which, under the
43 circumstances in which it is used, is readily capable of causing death or other serious physical
44 injury;

45 (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from
46 which a shot, readily capable of producing death or serious physical injury, may be discharged,
47 or a switchblade knife, dagger, billy, blackjack or metal knuckles;

48 (11) "Felony" has the meaning specified in section 556.016;

49 (12) "Forcible compulsion" means either:

50 (a) Physical force that overcomes reasonable resistance; or

51 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
52 physical injury or kidnapping of such person or another person;

53 (13) "Incapacitated" means that physical or mental condition, temporary or permanent,
54 in which a person is unconscious, unable to appraise the nature of such person's conduct, or
55 unable to communicate unwillingness to an act. A person is not incapacitated with respect to an
56 act committed upon such person if he or she became unconscious, unable to appraise the nature
57 of such person's conduct or unable to communicate unwillingness to an act, after consenting to
58 the act;

59 (14) "Infraction" has the meaning specified in section 556.021;

60 (15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;

61 (16) "Knowingly" has the meaning specified in section 562.016, RSMo;

62 (17) "Law enforcement officer" means any public servant having both the power and
63 duty to make arrests for violations of the laws of this state, and federal law enforcement officers
64 authorized to carry firearms and to make arrests for violations of the laws of the United States;

65 (18) "Misdemeanor" has the meaning specified in section 556.016;

66 (19) "Offense" means any felony, misdemeanor or infraction;

67 (20) "Physical injury" means physical pain, illness, or any impairment of physical
68 condition;

69 (21) "Place of confinement" means any building or facility and the grounds thereof
70 wherein a court is legally authorized to order that a person charged with or convicted of a crime
71 be held;

72 (22) "Possess" or "possessed" means having actual or constructive possession of an
73 object with knowledge of its presence. A person has actual possession if such person has the
74 object on his or her person or within easy reach and convenient control. A person has
75 constructive possession if such person has the power and the intention at a given time to exercise
76 dominion or control over the object either directly or through another person or persons.
77 Possession may also be sole or joint. If one person alone has possession of an object, possession
78 is sole. If two or more persons share possession of an object, possession is joint;

79 (23) "Public servant" means any person employed in any way by a government of this
80 state who is compensated by the government by reason of such person's employment, any person
81 appointed to a position with any government of this state, or any person elected to a position with
82 any government of this state. It includes, but is not limited to, legislators, jurors, members of the
83 judiciary and law enforcement officers. It does not include witnesses;

84 (24) "Purposely" has the meaning specified in section 562.016, RSMo;

85 (25) "Recklessly" has the meaning specified in section 562.016, RSMo;

86 (26) "Ritual" or "ceremony" means an act or series of acts performed by two or more
87 persons as part of an established or prescribed pattern of activity;

88 (27) "Serious emotional injury", an injury that creates a substantial risk of temporary or
89 permanent medical or psychological damage, manifested by impairment of a behavioral,
90 cognitive or physical condition. Serious emotional injury shall be established by testimony of
91 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
92 medical or psychological certainty;

93 (28) "Serious physical injury" means physical injury that creates a substantial risk of
94 death or that causes serious disfigurement or protracted loss or impairment of the function of any
95 part of the body;

96 (29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;
97 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,

98 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

99 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the
100 breast of any female person, or any such touching through the clothing, for the purpose of
101 arousing or gratifying sexual desire of any person;

102 (31) "Sexual performance", any performance, or part thereof, which includes sexual
103 conduct by a child who is less than seventeen years of age;

104 (32) "Voluntary act" has the meaning specified in section 562.011, RSMo.

557.035. 1. **For all violations of subdivision (1) of subsection 1 of section 569.040, RSMo, or subdivision (1) of subsection 1 of section 569.050, RSMo, in which the building or inhabitable structure damaged is a church or place where people assemble for worship, and which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the crime or crimes under this section, and the violation is a class B felony, unless a person has suffered serious physical injury or has died as a result of a violation of this subsection, in which case the violation is a class A felony.**

9 2. For all violations of subdivision (1) of subsection 1 of section 569.100, RSMo, or
10 subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, RSMo, which the
11 state believes to be knowingly motivated because of race, color, religion, national origin, sex,
12 sexual orientation or disability of the victim or victims, the state may charge the crime or crimes
13 under this section, and the violation is a class C felony.

14 [2.] 3. For all violations of section 565.070, RSMo; subdivisions (1), (3) and (4) of
15 subsection 1 of section 565.090, RSMo; subdivision (1) of subsection 1 of section 569.090,
16 RSMo; subdivision (1) of subsection 1 of section 569.120, RSMo; section 569.140, RSMo; or
17 section 574.050, RSMo; which the state believes to be knowingly motivated because of race,
18 color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the
19 state may charge the crime or crimes under this section, and the violation is a class D felony.

20 [3.] 4. The court shall assess punishment in all of the cases in which the state pleads and
21 proves any of the motivating factors listed in this section.

22 [4.] 5. For the purposes of this section, the following terms mean:

23 (1) "Disability", a physical or mental impairment which substantially limits one or more
24 of a person's major life activities, being regarded as having such an impairment, or a record of
25 having such an impairment; and

26 (2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
27 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
28 associated with one's gender.

558.019. 1. This section shall not be construed to affect the powers of the governor

2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set
4 minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

5 2. The provisions of this section shall be applicable to all classes of felonies except those
6 set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section.
7 For the purposes of this section, "prison commitment" means and is the receipt by the department
8 of corrections of a defendant after sentencing. For purposes of this section, prior prison
9 commitments to the department of corrections shall not include commitment to a regimented
10 discipline program established pursuant to section 217.378, RSMo. Other provisions of the law
11 to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found
12 guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is
13 committed to the department of corrections shall be required to serve the following minimum
14 prison terms:

15 (1) If the defendant has one previous prison commitment to the department of
16 corrections for a felony offense, the minimum prison term which the defendant must serve shall
17 be forty percent of his sentence or until the defendant attains seventy years of age, and has served
18 at least forty percent of the sentence imposed, whichever occurs first;

19 (2) If the defendant has two previous prison commitments to the department of
20 corrections for felonies unrelated to the present offense, the minimum prison term which the
21 defendant must serve shall be fifty percent of his sentence or until the defendant attains seventy
22 years of age, and has served at least forty percent of the sentence imposed, whichever occurs
23 first;

24 (3) If the defendant has three or more previous prison commitments to the department
25 of corrections for felonies unrelated to the present offense, the minimum prison term which the
26 defendant must serve shall be eighty percent of his sentence or until the defendant attains seventy
27 years of age, and has served at least forty percent of the sentence imposed, whichever occurs
28 first.

29 3. Other provisions of the law to the contrary notwithstanding, any defendant who has
30 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061,
31 RSMo, and is committed to the department of corrections shall be required to serve a minimum
32 prison term of eighty-five percent of the sentence imposed by the court or until the defendant
33 attains seventy years of age, and has served at least forty percent of the sentence imposed,
34 whichever occurs first.

35 4. For the purpose of determining the minimum prison term to be served, the following
36 calculations shall apply:

37 (1) A sentence of life shall be calculated to be thirty years;

38 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
39 crimes committed at or near the same time which is over seventy-five years shall be calculated
40 to be seventy-five years.

41 5. For purposes of this section, the term "minimum prison term" shall mean time
42 required to be served by the defendant before he is eligible for parole, conditional release or other
43 early release by the department of corrections. Except that the board of probation and parole,
44 in the case of consecutive sentences imposed at the same time pursuant to a course of conduct
45 constituting a common scheme or plan, shall be authorized to convert consecutive sentences to
46 concurrent sentences, when the board finds, after hearing with notice to the prosecuting or circuit
47 attorney, that the sum of the terms results in an unreasonably excessive total term, taking into
48 consideration all factors related to the crime or crimes committed and the sentences received by
49 others similarly situated.

50 6. (1) A sentencing advisory commission is hereby created to consist of eleven
51 members. One member shall be appointed by the speaker of the house. One member shall be
52 appointed by the president pro tem of the senate. One member shall be the director of the
53 department of corrections. Six members shall be appointed by and serve at the pleasure of the
54 governor from among the following: the public defender commission; private citizens; a private
55 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members
56 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.
57 All members of the sentencing commission appointed prior to August 28, 1994, shall continue
58 to serve on the sentencing advisory commission at the pleasure of the governor.

59 (2) The commission shall study sentencing practices in the circuit courts throughout the
60 state for the purpose of determining whether and to what extent disparities exist among the
61 various circuit courts with respect to the length of sentences imposed and the use of probation
62 for defendants convicted of the same or similar crimes and with similar criminal histories. The
63 commission shall also study and examine whether and to what extent sentencing disparity among
64 economic and social classes exists in relation to the sentence of death and if so, the reasons
65 therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties
66 relevant to the research and investigation of disparities in death penalty sentencing among
67 economic and social classes.

68 (3) The commission shall establish a system of recommended sentences, within the
69 statutory minimum and maximum sentences provided by law for each felony committed under
70 the laws of this state. This system of recommended sentences shall be distributed to all
71 sentencing courts within the state of Missouri. The recommended sentence for each crime shall
72 take into account, but not be limited to, the following factors:

73 (a) The nature and severity of each offense;

74 (b) The record of prior offenses by the offender;
75 (c) The data gathered by the commission showing the duration and nature of sentences
76 imposed for each crime; and
77 (d) The resources of the department of corrections and other authorities to carry out the
78 punishments that are imposed.

79 (4) The commission shall publish and distribute its system of recommended sentences
80 on or before July 1, 1995. The commission shall study the implementation and use of the system
81 of recommended sentences until July 1, 1998, and return a final report to the governor, the
82 speaker of the house of representatives, and the president pro tem of the senate. Following the
83 July 1, 1998, report, the commission may revise the recommended sentences every three years.

84 (5) The governor shall select a chairperson who shall call meetings of the commission
85 as required or permitted pursuant to the purpose of the sentencing commission.

86 (6) The members of the commission shall not receive compensation for their duties on
87 the commission, but shall be reimbursed for actual and necessary expenses incurred in the
88 performance of these duties and for which they are not reimbursed by reason of their other paid
89 positions.

90 (7) The circuit and associate circuit courts of this state, the office of the state courts
91 administrator, the department of public safety, and the department of corrections shall cooperate
92 with the commission by providing information or access to information needed by the
93 commission. The office of the state courts administrator will provide needed staffing resources.

94 **7. If the imposition or execution of a sentence is suspended, the court may consider**
95 **ordering restorative justice methods pursuant to section 217.777, RSMo, including any or**
96 **all of the following, or any other method that the court finds just or appropriate:**

97 (1) Restitution to any victim for costs incurred as a result of the offender's actions;
98 (2) Offender treatment programs;
99 (3) Mandatory community services;
100 (4) Work release programs in local facilities; and
101 (5) Community-based residential and nonresidential programs.

102 **8. If the imposition or execution of a sentence is suspended, in addition to the**
103 **provisions of subsection 7 of this section, the court may order the assessment and payment**
104 **of a designated amount of money to a county crime reduction fund established by the**
105 **county commission pursuant to section 50.555, RSMo. Such contribution shall not exceed**
106 **one thousand dollars for any charged offense. Any money deposited into the county crime**
107 **reduction fund pursuant to this section shall only be expended pursuant to the provisions**
108 **of section 50.555, RSMo. County crime reduction funds shall be audited as are all other**
109 **county funds.**

110 [7.] 9. The provisions of this section shall apply only to offenses occurring on or after
111 August 28, 1994.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems
2 reasonably necessary to ensure that the defendant will not again violate the law. When a
3 defendant is placed on probation he shall be given a certificate explicitly stating the conditions
4 on which he is being released.

5 2. In addition to such other authority as exists to order conditions of probation, the court
6 may order such conditions as the court believes will serve to compensate the victim, any
7 dependent of the victim, or society. Such conditions may include, but shall not be limited to:

8 (1) Restitution to the victim or any dependent of the victim, in an amount to be
9 determined by the judge; and

10 (2) The performance of a designated amount of free work for a public or charitable
11 purpose, or purposes, as determined by the judge.

12 **3. In addition to such other authority as exists to order conditions of probation, in**
13 **the case of a plea of guilty or a finding of guilt, the court may order the assessment and**
14 **payment of a designated amount of money to a county crime reduction fund established**
15 **by the county commission pursuant to section 50.555, RSMo. Such contribution shall not**
16 **exceed one thousand dollars for any charged offense. Any money deposited into the county**
17 **crime reduction fund pursuant to this section shall only be expended pursuant to the**
18 **provisions of section 50.555, RSMo. County crime reduction funds shall be audited as are**
19 **all other county funds.**

20 [3.] 4. The defendant may refuse probation conditioned on the performance of free work.
21 If he does so, the court shall decide the extent or duration of sentence or other disposition to be
22 imposed and render judgment accordingly. Any county, city, person, organization, or agency,
23 or employee of a county, city, organization or agency charged with the supervision of such free
24 work or who benefits from its performance shall be immune from any suit by the defendant or
25 any person deriving a cause of action from him if such cause of action arises from such
26 supervision of performance, except for an intentional tort or gross negligence. The services
27 performed by the defendant shall not be deemed employment within the meaning of the
28 provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall
29 not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

30 [4.] 5. The court may modify or enlarge the conditions of probation at any time prior to
31 the expiration or termination of the probation term.

32 **6. The defendant may refuse probation conditioned on a payment to a county crime**
33 **reduction fund. If he or she does so, the court shall decide the extent or duration of**
34 **sentence or other disposition to be imposed and render judgment accordingly. A judge**

35 may order payment to a crime reduction fund only if such fund had been created prior to
36 sentencing by ordinance or resolution of a county of the state of Missouri. A judge shall
37 not have any direct supervisory authority or administrative control over any fund to which
38 the judge is ordering the probationers to make payments. A defendant who fails to make
39 a payment or payments to a county crime reduction fund may not have his probation
40 revoked solely for failing to make such payment unless the judge, after evidentiary hearing,
41 makes a finding supported by a preponderance of the evidence that the defendant either
42 willfully refused to make the payment or that the defendant willfully, intentionally, and
43 purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree
2 if he or she:

- 3 (1) Recklessly causes the death of another person; or
- 4 (2) While in an intoxicated condition operates a motor vehicle in this state and, when so
5 operating, acts with criminal negligence to cause the death of any person; or
- 6 (3) **While in the process of committing any crime pursuant to chapter 195, RSMo,**
7 **or while in the process of committing any other crime wherein the sale, distribution,**
8 **trafficking, possession, use or other activity involving any controlled substance is an**
9 **element of such crime and the controlled substance is the cause of death of any person and**
10 **the person's death could have been avoided had aid been summoned.**

11 2. Involuntary manslaughter in the first degree is a class C felony.

12 3. A person commits the crime of involuntary manslaughter in the second degree if he
13 acts with criminal negligence to cause the death of any person.

14 4. Involuntary manslaughter in the second degree is a class D felony.

565.050. 1. A person commits the crime of assault in the first degree if [he] **the person**
2 attempts to kill or knowingly causes or attempts to cause serious physical injury to another
3 person.

4 2. Assault in the first degree is a class B felony unless in the course thereof the actor
5 inflicts serious physical injury on the victim in which case it is a class A felony.

6 **3. No person who pleads guilty to or is found guilty of assault in the first degree**
7 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**
8 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**
9 **on or waiting to board a bus or light rail system.**

565.060. 1. A person commits the crime of assault in the second degree if [he] **the**
2 **person:**

- 3 (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to
4 another person under the influence of sudden passion arising out of adequate cause; or

5 (2) Attempts to cause or knowingly causes physical injury to another person by means
6 of a deadly weapon or dangerous instrument; or

7 (3) Recklessly causes serious physical injury to another person; or

8 (4) While in an intoxicated condition or under the influence of controlled substances or
9 drugs, operates a motor vehicle in this state and, when so operating, acts with criminal
10 negligence to cause physical injury to any other person than himself; or

11 (5) Recklessly causes physical injury to another person by means of discharge of a
12 firearm.

13 2. The defendant shall have the burden of injecting the issue of influence of sudden
14 passion arising from adequate cause [under] **pursuant to** subdivision (1) of subsection 1 of this
15 section.

16 3. Assault in the second degree is a class C felony.

17 **4. No person who pleads guilty to or is found guilty of assault in the second degree**
18 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**
19 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**
20 **on or waiting to board a bus or light rail system.**

565.070. 1. A person commits the crime of assault in the third degree if:

2 (1) The person attempts to cause or recklessly causes physical injury to another person;
3 or

4 (2) With criminal negligence the person causes physical injury to another person by
5 means of a deadly weapon; or

6 (3) The person purposely places another person in apprehension of immediate physical
7 injury; or

8 (4) The person recklessly engages in conduct which creates a grave risk of death or
9 serious physical injury to another person; or

10 (5) The person knowingly causes physical contact with another person knowing the other
11 person will regard the contact as offensive or provocative; or

12 (6) The person knowingly causes physical contact with an incapacitated person, as
13 defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would
14 consider offensive or provocative.

15 2. Except as provided in subsections 3 and 4 of this section, assault in the third degree
16 is a class A misdemeanor.

17 3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this
18 section is guilty of a class C misdemeanor.

19 4. A person who has pled guilty to or been found guilty of the crime of assault in the
20 third degree more than two times against any family or household member as defined in section

21 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the
22 crime of assault in the third degree when a class A misdemeanor. The offenses described in this
23 subsection may be against the same family or household member or against different family or
24 household members.

25 **5. No person who pleads guilty to or is found guilty of assault in the third degree**
26 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**
27 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**
28 **on or waiting to board a bus or light rail system.**

565.081. 1. A person commits the crime of assault of a law enforcement officer **or**
2 **firefighter** in the first degree if [he] **such person** attempts to kill or knowingly causes or
3 attempts to cause serious physical injury to a law enforcement officer **or firefighter**.

4 2. Assault of a law enforcement officer **or firefighter** in the first degree is a class A
5 felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer **or**
2 **firefighter** in the second degree if [he] **such person**:

3 (1) [Attempts to cause or] Knowingly causes **or attempts to cause** physical injury to a
4 law enforcement officer **or firefighter, knowing that such individual is a law enforcement**
5 **officer or firefighter**, by means of a deadly weapon or dangerous instrument:

6 (a) **While attempting to prevent a law enforcement officer or firefighter from**
7 **performing his or her official duties while such law enforcement officer or firefighter is**
8 **engaged in the execution of his or her official duties; or**

9 (b) **In retaliation upon such law enforcement officer or firefighter for performing**
10 **his or her official duties;**

11 (2) **Knowingly causes or attempts to cause physical injury to a law enforcement**
12 **officer or firefighter while brandishing a deadly weapon, dangerous instrument, or any**
13 **device manufactured, designed, or fashioned in such a manner as to be substantially**
14 **similar in appearance to a firearm:**

15 (a) **While attempting to prevent a law enforcement officer or firefighter from**
16 **performing his or her official duties while such law enforcement officer or firefighter is**
17 **engaged in the execution of his or her official duties; or**

18 (b) **In retaliation upon such law enforcement officer or firefighter for performing**
19 **his or her official duties;**

20 (3) **Knowingly causes or attempts to cause physical injury to a law enforcement**
21 **officer or firefighter while the offender is hooded, robed, or masked in such a manner as**
22 **to conceal his or her identity:**

23 (a) **While attempting to prevent a law enforcement officer or firefighter from**

24 performing his or her official duties while such law enforcement officer or firefighter is
25 engaged in the execution of his or her official duties; or

26 (b) In retaliation upon such law enforcement officer or firefighter for performing
27 his or her official duties;

28 (4) Knowingly causes or attempts to cause physical injury to a law enforcement
29 officer or firefighter, knowing that such individual is a law enforcement officer or
30 firefighter;

31 (a) While attempting to prevent a law enforcement officer or firefighter from
32 performing his or her official duties while such law enforcement officer or firefighter is
33 engaged in the execution of his or her official duties; or

34 (b) In retaliation upon such law enforcement officer or firefighter for performing
35 his or her official duties;

36 [(2)] (5) Recklessly causes serious physical injury to a law enforcement officer[;] or
37 firefighter;

38 (a) While attempting to prevent a law enforcement office or firefighter from
39 performing his or her official duties while such law enforcement officer or firefighter is
40 engaged in the execution of his or her official duties; or

41 (b) In retaliation upon such law enforcement officer or firefighter for performing
42 his or her official duties;

43 (6) Recklessly engages in conduct which creates a substantial risk of death or
44 serious physical injury to a law enforcement officer or firefighter;

45 (a) While attempting to prevent a law enforcement officer or firefighter from
46 performing his or her official duties while such law enforcement officer or firefighter is
47 engaged in the execution of his or her official duties; or

48 (b) In retaliation upon such law enforcement officer or firefighter for performing
49 his or her official duties;

50 [(3)] (7) While in an intoxicated condition or under the influence of controlled
51 substances or drugs, operates a motor vehicle in this state and when so operating, acts with
52 criminal negligence to cause physical injury to a law enforcement officer or firefighter;

53 (8) Acts with criminal negligence to cause physical injury to a law enforcement
54 officer or firefighter by means of a deadly weapon;

55 (a) While attempting to prevent a law enforcement officer or firefighter from
56 performing his or her official duties while such law enforcement officer or firefighter is
57 engaged in the execution of his or her official duties; or

58 (b) In retaliation upon such law enforcement officer or firefighter for performing
59 his or her official duties;

60 **(9) Knowingly places a law enforcement officer or firefighter in apprehension of**
61 **immediate serious physical injury, knowing that such individual is a law enforcement**
62 **officer or firefighter:**

63 **(a) While attempting to prevent a law enforcement officer or firefighter from**
64 **performing his or her official duties while such law enforcement officer or firefighter is**
65 **engaged in the execution of his or her official duties; or**

66 **(b) In retaliation upon such law enforcement officer or firefighter for performing**
67 **his or her official duties.**

68 2. Assault of a law enforcement officer **or firefighter** in the second degree is a class [B]
69 **C felony unless committed pursuant to subdivision (1), (5), or (7) of subsection 1 of this**
70 **section in which case it is a class B felony.**

 565.083. 1. A person commits the crime of assault of a law enforcement officer **or**
2 **firefighter** in the third degree if:

3 (1) He attempts to cause or recklessly causes physical injury to a law enforcement officer
4 **or firefighter;**

5 (2) [With criminal negligence he causes physical injury to a law enforcement officer by
6 means of a deadly weapon;

7 (3)] He purposely places a law enforcement officer **or firefighter** in apprehension of
8 immediate physical injury;

9 [(4) He recklessly engages in conduct which creates a grave risk of death or serious
10 physical injury to a law enforcement officer; or

11 (5)] **(3)** He knowingly causes or attempts to cause physical contact with a law
12 enforcement officer **or firefighter** without the consent of the law enforcement officer **or**
13 **firefighter.**

14 2. Assault of a law enforcement officer **or firefighter** in the third degree is a class A
15 misdemeanor.

565.151. 1. A person twenty-one years of age or older commits the crime of
2 **enticement of a child if that person, for the purpose of engaging in conduct with a child**
3 **which would be criminal conduct under the provisions of section 568.045, 568.050, or**
4 **568.060, or chapter 566, RSMo attempts to persuade or persuades whether by words or**
5 **actions or both or through communication via the Internet or electronic communication,**
6 **any person who is less than seventeen years of age to:**

7 **(1) Leave home or school; or**

8 **(2) Enter a vehicle, building, structure, alley, or any other secluded area so that the**
9 **child is concealed from public view.**

10 2. Nothing contained in this section shall prevent the lawful detention of a child or

11 the rendering of aid or assistance to a child.

12 3. It is not an affirmative defense to a prosecution for a violation of this section that
13 the other person was a peace officer masquerading as a minor.

14 4. Enticement of a child is a class D felony unless the person has previously pled
15 guilty to or been found guilty of violating the provisions of this section, section 568.045,
16 568.050, or 568.060, RSMo, or chapter 566, RSMo, in which case it is a class C felony.

565.252. 1. A person commits the crime of invasion of privacy in the first degree
2 if such person:

3 (1) Knowingly photographs or films another person, without the person's
4 knowledge and consent, while the person being photographed or filmed is in a state of full
5 or partial nudity and is in a place where one would have a reasonable expectation of
6 privacy, and the person subsequently distributes the photograph or film to another or
7 transmits the image contained in the photograph or film in a manner that allows access to
8 that image via a computer; or

9 (2) Knowingly disseminates or permits the dissemination by any means, to another
10 person, of a videotape, photograph, or film obtained in violation of subdivision (1) of
11 subsection 1 of this section or in violation of section 565.253.

12 2. Invasion of privacy in the first degree is a class C felony.

565.253. 1. A person commits the crime of invasion of privacy in the second degree
2 if [he]:

3 (1) Such person knowingly views, photographs or films another person, without that
4 person's knowledge and consent, while the person being viewed, photographed or filmed is in
5 a state of full or partial nudity and is in a place where [he] one would have a reasonable
6 expectation of privacy; or

7 (2) Such person knowingly uses a concealed camcorder or photographic camera of
8 any type to secretly videotape, photograph, or record by electronic means, another person
9 under or through the clothing worn by that other person for the purpose of viewing the
10 body of or the undergarments worn by that other person without that person's consent.

11 2. Invasion of privacy in the second degree pursuant to subdivision (1) of subsection
12 1 of this section is a class A misdemeanor; unless more than one person is viewed, photographed
13 or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same
14 course of conduct, in which case invasion of privacy is a class D felony; and unless committed
15 by a [prior invasion of privacy offender] a person who has previously pled guilty to or been
16 found guilty of invasion of privacy, in which case invasion of privacy is a class C felony.
17 Invasion of privacy in the second degree pursuant to subdivision (2) of subsection 1 of this
18 section is a class A misdemeanor; unless more than one person is secretly videotaped,

19 **photographed or recorded in violation of sections 565.250 to 565.257 during the same**
20 **course of conduct, in which case invasion of privacy is a class D felony; and unless**
21 **committed by a person who has previously pled guilty to or been found guilty of invasion**
22 **of privacy, in which case invasion of privacy is a class C felony.** Prior pleas or findings of
23 guilt shall be pled and proven in the same manner required by the provisions of section 558.021,
24 RSMo.

565.350. 1. A person commits the crime of tampering with a prescription drug
2 **order as defined in section 338.095, RSMo, if such person purposely:**

3 (1) **Misbrands, dilutes, or otherwise alters the concentration or chemical structure**
4 **of a prescribed drug or drug therapy without the knowledge and consent of the prescribing**
5 **practitioner; or**

6 (2) **Misrepresents a misbranded, altered, or diluted prescription drug or drug**
7 **therapy with the purpose of misleading the recipient or the administering person of the**
8 **prescription drug or drug therapy; or**

9 (3) **Sells a misbranded, altered, or diluted prescription drug or drug therapy with**
10 **the intention of misleading the purchaser.**

11 **2. Tampering with a prescription drug order is a class B felony, unless death or**
12 **serious physical injury occurs as a result of such tampering, in which case the offense is a**
13 **class A felony.**

14 **3. Any violation of this section shall also be an unfair merchandising practice**
15 **pursuant to section 407.020, RSMo.**

566.010. As used in this chapter and chapter 568, RSMo, the following terms mean:

2 (1) "Deviate sexual intercourse", any act involving the genitals of one person and the
3 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
4 however slight, of the male or female sex organ or the anus by a finger, instrument or object done
5 for the purpose of arousing or gratifying the sexual desire of any person;

6 (2) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

7 (3) "Sexual contact", any touching of another person with the genitals or any touching
8 of the genitals or anus of another person, or the breast of a female person, **or such touching**
9 **through the clothing**, for the purpose of arousing or gratifying sexual desire of any person;

10 (4) "Sexual intercourse", any penetration, however slight, of the female sex organ by the
11 male sex organ, whether or not an emission results.

566.030. 1. A person commits the crime of forcible rape if such person has sexual
2 intercourse with another person by the use of forcible compulsion. Forcible compulsion includes
3 the use of a substance administered without a victim's knowledge or consent which renders the
4 victim physically or mentally impaired so as to be incapable of making an informed consent to

5 sexual intercourse.

6 2. Forcible rape or an attempt to commit forcible rape is a felony for which the
7 authorized term of imprisonment is life imprisonment or a term of years not less than [five] **ten**
8 years, unless in the course thereof the actor inflicts serious physical injury or displays a deadly
9 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
10 intercourse or deviate sexual intercourse with more than one person, in which case the authorized
11 term of imprisonment is life imprisonment or a term of years not less than [ten] **fifteen** years.

566.060. 1. A person commits the crime of forcible sodomy if such person has deviate
2 sexual intercourse with another person by the use of forcible compulsion. Forcible compulsion
3 includes the use of a substance administered without a victim's knowledge or consent which
4 renders the victim physically or mentally impaired so as to be incapable of making an informed
5 consent to sexual intercourse.

6 2. Forcible sodomy or an attempt to commit forcible sodomy is a felony for which the
7 authorized term of imprisonment is life imprisonment or a term of years not less than [five] **ten**
8 years, unless in the course thereof the actor inflicts serious physical injury or displays a deadly
9 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
10 intercourse or deviate sexual intercourse with more than one person, in which case the authorized
11 term of imprisonment is life imprisonment or a term of years not less than [ten] **fifteen** years.

566.067. 1. A person commits the crime of child molestation in the first degree if he or
2 she subjects another person who is less than fourteen years of age to sexual contact.

3 2. Child molestation in the first degree is a class B felony unless the actor has previously
4 **pleaded guilty to or** been convicted of an offense under this chapter **or has pleaded guilty to**
5 **or been convicted of an offense in another state or jurisdiction which would have**
6 **constituted an offense pursuant to this chapter if it had been committed in this state**, or in
7 the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly
8 instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony,
9 in which case the crime is a class A felony.

566.068. 1. A person commits the crime of child molestation in the second degree if,
2 **being twenty-one years of age or older**, he or she subjects another person who is less than
3 seventeen years of age to sexual contact.

4 2. Child molestation in the second degree is a class [A misdemeanor] **C felony** unless
5 the actor has previously **pleaded guilty to or** been convicted of an offense under this chapter **or**
6 **has pleaded guilty to or been convicted of an offense in another state or jurisdiction which**
7 **would have constituted an offense pursuant to this chapter if it had been committed in this**
8 **state**, or in the course thereof the actor inflicts serious physical injury on any person, displays
9 a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed

10 as part of a ritual or ceremony, in which case the crime is a class [D] B felony.

566.069. 1. A person commits the crime of child molestation in the third degree if
2 **such person subjects another person who is less than fourteen years of age to conduct**
3 **which would constitute sexual contact except that the touching occurs through the clothing.**

4 **2. Child molestation in the third degree is a class D felony unless the actor has**
5 **previously pleaded guilty to or been convicted of an offense pursuant to this chapter or has**
6 **pleaded guilty to or been convicted of an offense in another state or jurisdiction which**
7 **would have constituted an offense pursuant to this chapter if it had been committed in this**
8 **state, or in the course thereof the actor inflicts serious physical injury, displays a deadly**
9 **weapon or a dangerous instrument in a threatening manner, or the offense is committed**
10 **as part of a ritual or ceremony in which case the crime is a class C felony.**

566.071. 1. A person commits the crime of child molestation in the fourth degree
2 **if being twenty-one years of age or older, such person subjects another person who is less**
3 **than seventeen years of age to conduct which would constitute sexual contact except that**
4 **the touching occurs through the clothing.**

5 **2. Child molestation in the fourth degree is a class A misdemeanor unless the actor**
6 **has previously pleaded guilty to or been convicted of an offense pursuant to this chapter**
7 **or has pleaded guilty to or been convicted of an offense in another state or jurisdiction**
8 **which would have constituted an offense pursuant to this chapter if it had been committed**
9 **in this state, or in the course thereof the actor inflicts serious physical injury, displays a**
10 **deadly weapon or a dangerous instrument in a threatening manner, or the offense is**
11 **committed as part of a ritual or ceremony in which case the crime is a class D felony.**

566.083. 1. A person commits the crime of sexual misconduct involving a child if the
2 **person:**

3 (1) **Knowingly exposes the person's genitals to a child less than fourteen years of age in**
4 **a manner that would cause a reasonable adult to believe that the conduct is likely to cause affront**
5 **or alarm to a child less than fourteen years of age;**

6 (2) **Knowingly exposes the person's genitals to a child less than fourteen years of age for**
7 **the purpose of arousing or gratifying the sexual desire of any person, including the child; or**

8 (3) **Coerces a child less than fourteen years of age to expose the child's genitals for the**
9 **purpose of arousing or gratifying the sexual desire of any person, including the child.**

10 **2. As used in this section, the term "sexual act" means any of the following, whether**
11 **performed or engaged in either with any other person or alone: sexual or anal intercourse,**
12 **masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual**
13 **activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or**
14 **gratification of any individual who may view such depiction.**

15 3. Violation of this section is a class D felony[; except that the second or any subsequent
16 violation of this section] **unless the actor has previously pleaded guilty to or been convicted**
17 **of an offense pursuant to this chapter or the actor has previously pleaded guilty to or been**
18 **convicted of an offense against the laws of another state or jurisdiction which would**
19 **constitute an offense pursuant to this chapter if it had been committed in this state, in**
20 **which case it is a class C felony.**

 566.090. 1. A person commits the crime of sexual misconduct in the first degree if he
2 has deviate sexual intercourse with another person of the same sex or he purposely subjects
3 another person to sexual contact [or engages in conduct which would constitute sexual contact
4 except that the touching occurs through the clothing] without that person's consent.

 2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has
6 previously been convicted of an offense under this chapter or unless in the course thereof the
7 actor displays a deadly weapon in a threatening manner or the offense is committed as a part of
8 a ritual or ceremony, in which case it is a class D felony.

 566.093. 1. A person commits the crime of sexual misconduct in the second degree if
2 he:

3 (1) Exposes his genitals under circumstances in which he knows that his conduct is likely
4 to cause affront or alarm **or while being in a public place, other than a restroom or shower**
5 **room, in the presence of another person or persons; or**

6 (2) Has sexual contact in the presence of a third person or persons under circumstances
7 in which he knows that such conduct is likely to cause affront or alarm **or while being in a**
8 **public place in the presence of another person or persons; or**

9 2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has
10 previously been convicted of an offense under this chapter, in which case it is a class A
11 misdemeanor.

 566.095. 1. A person commits the crime of sexual misconduct in the third degree if he
2 solicits or requests another person to engage in sexual conduct under circumstances in which he
3 knows that his requests or solicitation is likely to cause affront or alarm **or while being in a**
4 **public place in the presence of another person or persons.**

5 2. Sexual misconduct in the third degree is a class C misdemeanor.

568.176. 1. Any person who sells or attempts to sell any person less than eighteen
2 **years of age to another or receives money or anything of value in consideration of placing**
3 **any person less than eighteen years of age in the custody or under the power or control of**
4 **another, or who buys or attempts to buy any person less than eighteen years of age, or pays**
5 **money or delivers anything of value to another in consideration of having any person less**
6 **than eighteen years of age placed in his or her custody or under his or her power or control**

7 **is guilty of a class B felony.**

8 **2. The provisions of this section shall not apply to legitimate adoptions or to**
9 **legitimate actions by department of corrections officials or county jailers.**

569.020. 1. A person commits the crime of robbery in the first degree when he forcibly
2 steals property and in the course thereof he, or another participant in the crime,

3 (1) Causes serious physical injury to any person; or

4 (2) Is armed with a deadly weapon; or

5 (3) Uses or threatens the immediate use of a dangerous instrument against any person;
6 or

7 (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous
8 instrument.

9 **2. Robbery in the first degree is a class A felony, but notwithstanding any other**
10 **provision of law, a person convicted pursuant to this section shall not be eligible for**
11 **suspended execution of sentence, probation, parole, or conditional release until having**
12 **served a minimum of five years imprisonment if the property taken was a vehicle and if the**
13 **vehicle had a child under the age of thirteen who is not biologically related or related by**
14 **adoption to the person convicted in it at the time the vehicle was taken.**

569.030. 1. A person commits the crime of robbery in the second degree when he
2 forcibly steals property.

3 **2. Robbery in the second degree is a class B felony, but notwithstanding any other**
4 **provision of law, a person convicted pursuant to this section shall not be eligible for**
5 **suspended execution of sentence, probation, parole, or conditional release until having**
6 **served a minimum of five years imprisonment if the property taken was a vehicle and if the**
7 **vehicle had a child under the age of thirteen who is not biologically related or related by**
8 **adoption to the person convicted in it at the time the vehicle was taken.**

569.072. 1. A person commits the crime of criminal water contamination if such
2 **person knowingly introduces any dangerous radiological, chemical or biological agent or**
3 **substance into any public or private waters of the state or any water supply with the**
4 **purpose of causing death or serious physical injury to another person.**

5 **2. Criminal water contamination is a class B felony.**

569.095. 1. A person commits the crime of tampering with computer data if he
2 knowingly and without authorization or without reasonable grounds to believe that he has such
3 authorization:

4 (1) Modifies or destroys data or programs residing or existing internal to a computer,
5 computer system, or computer network; or

6 (2) Modifies or destroys data or programs or supporting documentation residing or

- 7 existing external to a computer, computer system, or computer network; or
8 (3) Discloses or takes data, programs, or supporting documentation, residing or existing
9 internal or external to a computer, computer system, or computer network; or
10 (4) Discloses or takes a password, identifying code, personal identification number, or
11 other confidential information about a computer system or network that is intended to or does
12 control access to the computer system or network;
13 (5) Accesses a computer, a computer system, or a computer network, and intentionally
14 examines information about another person;
15 (6) Receives, retains, uses, or discloses any data he knows or believes was obtained in
16 violation of this subsection.
- 17 2. Tampering with computer data is a class A misdemeanor, unless the offense is
18 committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain
19 any property, the value of which is [one hundred fifty] **five hundred** dollars or more, in which
20 case tampering with computer data is a class D felony.

569.097. 1. A person commits the crime of tampering with computer equipment if he
2 knowingly and without authorization or without reasonable grounds to believe that he has such
3 authorization:

- 4 (1) Modifies, destroys, damages, or takes equipment or data storage devices used or
5 intended to be used in a computer, computer system, or computer network; or
6 (2) Modifies, destroys, damages, or takes any computer, computer system, or computer
7 network.

8 2. Tampering with computer equipment is a class A misdemeanor, unless:

- 9 (1) The offense is committed for the purpose of executing any scheme or artifice to
10 defraud or obtain any property, the value of which is [one hundred fifty] **five hundred** dollars
11 or more, in which case it is a class D felony; or
12 (2) The damage to such computer equipment or to the computer, computer system, or
13 computer network is [one hundred fifty] **five hundred** dollars or more but less than [one
14 thousand] **seven hundred fifty** dollars, in which case it is a class D felony; or
15 (3) The damage to such computer equipment or to the computer, computer system, or
16 computer network is [one thousand] **seven hundred fifty** dollars or greater, in which case it is
17 a class C felony.

569.099. 1. A person commits the crime of tampering with computer users if he
2 knowingly and without authorization or without reasonable grounds to believe that he has such
3 authorization:

- 4 (1) Accesses or causes to be accessed any computer, computer system, or computer
5 network; or

6 (2) Denies or causes the denial of computer system services to an authorized user of such
7 computer system services, which, in whole or in part, is owned by, under contract to, or operated
8 for, or on behalf of, or in conjunction with another.

9 2. The offense of tampering with computer users is a class A misdemeanor unless the
10 offense is committed for the purpose of devising or executing any scheme or artifice to defraud
11 or to obtain any property, the value of which is [one hundred fifty] **five hundred** dollars or more,
12 in which case tampering with computer users is a class D felony.

570.010. As used in this chapter:

2 (1) "Adulterated" means varying from the standard of composition or quality prescribed
3 by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if
4 none, as set by commercial usage;

5 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

6 (3) "Coercion" means a threat, however communicated:

7 (a) To commit any crime; or

8 (b) To inflict physical injury in the future on the person threatened or another; or

9 (c) To accuse any person of any crime; or

10 (d) To expose any person to hatred, contempt or ridicule; or

11 (e) To harm the credit or business reputation of any person; or

12 (f) To take or withhold action as a public servant, or to cause a public servant to take or
13 withhold action; or

14 (g) To inflict any other harm which would not benefit the actor.
15

16 A threat of accusation, lawsuit or other invocation of official action is not coercion if the
17 property sought to be obtained by virtue of such threat was honestly claimed as restitution or
18 indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit
19 or other official action relates, or as compensation for property or lawful service. The defendant
20 shall have the burden of injecting the issue of justification as to any threat;

21 (4) "Credit device" means a writing, number or other device purporting to evidence an
22 undertaking to pay for property or services delivered or rendered to or upon the order of a
23 designated person or bearer;

24 (5) "Dealer" means a person in the business of buying and selling goods;

25 (6) "Debit device" means a card, code, number or other device, other than a check, draft
26 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
27 including but not limited to devices that enable electronic transfers of benefits to public
28 assistance recipients;

29 (7) "Deceit" means purposely making a representation which is false and which the actor

30 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
31 intention or other state of mind. The term "deceit" does not, however, include falsity as to
32 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary
33 persons in the group addressed. Deception as to the actor's intention to perform a promise shall
34 not be inferred from the fact alone that he did not subsequently perform the promise;

35 (8) "Deprive" means:

36 (a) To withhold property from the owner permanently; or

37 (b) To restore property only upon payment of reward or other compensation; or

38 (c) To use or dispose of property in a manner that makes recovery of the property by the
39 owner unlikely;

40 (9) "Misabeled" means varying from the standard of truth or disclosure in labeling
41 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully
42 filed, or if none, as set by commercial usage; or represented as being another person's product,
43 though otherwise accurately labeled as to quality and quantity;

44 (10) **"New and unused property" means tangible personal property that has never**
45 **been used since its production or manufacture and is in its original unopened package or**
46 **container if such property was packaged;**

47 (11) "Of another" property or services is that "of another" if any natural person,
48 corporation, partnership, association, governmental subdivision or instrumentality, other than
49 the actor, has a possessory or proprietary interest therein, except that property shall not be
50 deemed property of another who has only a security interest therein, even if legal title is in the
51 creditor pursuant to a conditional sales contract or other security arrangement;

52 [(11)] (12) "Property" means anything of value, whether real or personal, tangible or
53 intangible, in possession or in action, and shall include but not be limited to the evidence of a
54 debt actually executed but not delivered or issued as a valid instrument;

55 [(12)] (13) "Receiving" means acquiring possession, control or title or lending on the
56 security of the property;

57 [(13)] (14) "Services" includes transportation, telephone, electricity, gas, water, or other
58 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and
59 use of vehicles;

60 [(14)] (15) "Writing" includes printing, any other method of recording information,
61 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and
62 any other symbols of value, right, privilege or identification.

570.020. For the purposes of this chapter, the value of property shall be ascertained as
2 follows:

3 (1) Except as otherwise specified in this section, "value" means the market value of the

property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime. **If the victim is a merchant, as defined in section 400.2-104, RSMo, and the property is a type that the merchant sells in the ordinary course of business, then the property shall be valued at the price that such merchant would normally sell such property;**

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:

(a) The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument;

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an amount less than [one hundred fifty] **five hundred** dollars.

570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution [under] **pursuant to** this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;

(5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

18 **3. Stealing is a class D felony if the value of the property or services is at least five**
19 **hundred dollars but less than seven hundred fifty dollars.**

20 [3.] **4.** Stealing is a class C felony if:

21 (1) The value of the property or services appropriated is seven hundred fifty dollars or
22 more; or

23 (2) The actor physically takes the property appropriated from the person of the victim;
24 or

25 (3) The property appropriated consists of:

26 (a) Any motor vehicle, watercraft or aircraft; or

27 (b) Any will or unrecorded deed affecting real property; or

28 (c) Any credit card or letter of credit; or

29 (d) Any firearms; or

30 (e) A United States national flag designed, intended and used for display on buildings
31 or stationary flagstaffs in the open; or

32 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the
33 legislature of the state of Missouri; or

34 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
35 any other state or of the United States; or

36 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

37 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

38 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

39 (k) Any controlled substance as defined by section 195.010, RSMo; **or**

40 **(l) Ammonium nitrate.**

41 [4.] **5.** If an actor appropriates any material with a value less than one hundred fifty
42 dollars in violation of this section with the intent to use such material to manufacture, compound,
43 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,
44 then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid
45 nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
46 C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank
47 trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

48 [5.] **6.** The theft of any item of property or services [under] **pursuant to** subsection 3 of
49 this section which exceeds seven hundred fifty dollars may be considered a separate felony and
50 may be charged in separate counts.

51 [6.] **7.** Any person with a prior conviction of paragraph (i) of subdivision (3) of
52 subsection [3] **4** of this section and who violates the provisions of paragraph (i) of subdivision
53 (3) of subsection [3] **4** of this section when the value of the animal or animals stolen exceeds

54 three thousand dollars is guilty of a class B felony.

55 [7.] **8.** Any violation of this section for which no other penalty is specified in this section
56 is a class A misdemeanor.

57 **9. Notwithstanding any other provision of law, a person convicted pursuant to**
58 **subsection 3 of this section shall not be eligible for suspended execution of sentence,**
59 **probation, parole, or conditional release until having served a minimum of five years**
60 **imprisonment if the property taken was a vehicle and if the vehicle had a child under the**
61 **age of thirteen who is not biologically related or related by adoption to the person**
62 **convicted in it at the time the vehicle was taken.**

570.033. **1.** Any person who, without lawful authority, willfully takes another's animal
2 with the intent to deprive [him] **the other** of [his] **such** property is guilty of a class D felony.

3 **2. Any person who, without lawful authority, willfully take another's dog or a law**
4 **enforcement or rescue animal with the intent to sell such dog, is guilty of a class C felony.**

5 **3. Any person who knowingly purchases a stolen dog is guilty of a class C felony.**

6 **4. The department of public safety shall create a registry of missing or stolen dogs.**
7 **The department shall place such registry on the Internet to allow registration through the**
8 **Internet and allow searches of the registry animals listed as missing or stolen. Any person**
9 **who has reported the loss of his or her dog to an appropriate law enforcement agency may**
10 **register such dog with the department and shall include the date and place of the**
11 **notification of an appropriate law enforcement agency and any of the dog's identifying**
12 **features, tags, tattoos or electronic chips in such registry. The department may adopt rules**
13 **to implement the provisions of this subsection. The department may charge a fee for**
14 **registration that does not substantially exceed the cost of the program.**

15 **5. Any person purchasing a dog for research purposes shall examine such dog for**
16 **identification markers and shall examine the missing or stolen dog registry. If the dog is**
17 **found on the registry, the person shall contact the owner for verification. In the event the**
18 **person believes that the dog may have been stolen, the person shall notify a department of**
19 **law enforcement of the county in which the sale took place.**

20 **6. Any dog sold to a licensed dealer for research purposes shall be accompanied by**
21 **a health certificate, issued by a licensed veterinarian, that includes all identifying features,**
22 **tags, tattoos or electronic chips.**

23 **7. No rule or portion of a rule promulgated pursuant to the authority of this section**
24 **shall become effective unless it has been promulgated pursuant to the provisions of chapter**
25 **536, RSMo.**

570.035. 1. No person shall knowingly remove any identification marker or tag
2 **from another's dog without the other person's permission.**

3 **2. Any person who violates the provisions of subsection 1 of this section is guilty of**
4 **a class C felony.**

570.080. 1. A person commits the crime of receiving stolen property if for the purpose
2 of depriving the owner of a lawful interest therein, [he] **the person** receives, retains or disposes
3 of property of another knowing that it has been stolen, or believing that it has been stolen.

4 2. Evidence of the following is admissible in any criminal prosecution [under] **pursuant**
5 **to** this section to prove the requisite knowledge or belief of the alleged receiver:

6 (1) That [he] **the person** was found in possession or control of other property stolen on
7 separate occasions from two or more persons;

8 (2) That [he] **the person** received other stolen property in another transaction within the
9 year preceding the transaction charged;

10 (3) That [he] **the person** acquired the stolen property for a consideration which [he] **the**
11 **person** knew was far below its reasonable value.

12 3. Receiving stolen property is a class A misdemeanor unless the property involved has
13 a value of [one] **at least five** hundred [fifty] dollars **but less than seven hundred fifty dollars,**
14 **in which case receiving stolen property is a class D felony. If the property involved has a**
15 **value of seven hundred fifty dollars** or more, or the person receiving the property is a dealer
16 in goods of the type in question, in which cases receiving stolen property is a class C felony.

570.085. 1. A person commits the crime of alteration or removal of item numbers if he,
2 with the purpose of depriving the owner of a lawful interest therein:

3 (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed,
4 removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or
5 other distinguishing owner-applied number or mark, on any item which bears a serial number
6 attached by the manufacturer or distinguishing number or mark applied by the owner of the item,
7 for any reason whatsoever;

8 (2) Sells, offers for sale, pawns or uses as security for a loan, any item on which the
9 manufacturer's original serial number or other distinguishing owner-applied number or mark has
10 been destroyed, removed, covered, concealed, altered, or defaced; or

11 (3) Buys, receives as security for a loan or in pawn, or in any manner receives or has in
12 his possession any item on which the manufacturer's original serial number or other
13 distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed,
14 altered, or defaced.

15 2. Alteration or removal of item numbers is a class D felony if the value of the item or
16 items in the aggregate is [one hundred fifty] **five hundred** dollars or more. If the value of the
17 item or items in the aggregate is less than [one hundred fifty] **five hundred** dollars, then it is a
18 class [B] **A** misdemeanor.

570.090. 1. A person commits the crime of forgery if, with the purpose to defraud, [he]

2 **the person:**

3 (1) Makes, completes, alters or authenticates any writing so that it purports to have been
4 made by another or at another time or place or in a numbered sequence other than was in fact the
5 case or with different terms or by authority of one who did not give such authority; or

6 (2) Erases, obliterates or destroys any writing; or

7 (3) Makes or alters anything other than a writing, **including receipts and universal**
8 **product codes**, so that it purports to have a genuineness, antiquity, rarity, ownership or
9 authorship which it does not possess; or

10 (4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with
11 the knowledge or belief that it will be used as genuine, any writing or other thing **including**
12 **receipts and universal product codes**, which the actor knows has been made or altered in the
13 manner described in this section.

14 2. Forgery is a class C felony.

570.120. 1. A person commits the crime of passing a bad check when:

2 (1) With purpose to defraud, the person makes, issues or passes a check or other similar
3 sight order for the payment of money, knowing that it will not be paid by the drawee, or that
4 there is no such drawee; or

5 (2) The person makes, issues, or passes a check or other similar sight order for the
6 payment of money, knowing that there are insufficient funds in [that] **the person's** account or
7 that there is no such account or no drawee and fails to pay the check or sight order within ten
8 days after receiving actual notice in writing that it has not been paid because of insufficient funds
9 or credit with the drawee or because there is no such drawee.

10 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"
11 means notice of the nonpayment which is actually received by the defendant. Such notice may
12 include the service of summons or warrant upon the defendant for the initiation of the
13 prosecution of the check or checks which are the subject matter of the prosecution if the
14 summons or warrant contains information of the ten-day period during which the instrument may
15 be paid and that payment of the instrument within such ten-day period will result in dismissal
16 of the charges. The requirement of notice shall also be satisfied for written communications
17 which are tendered to the defendant and which the defendant refuses to accept.

18 3. The face amounts of any bad checks passed pursuant to one course of conduct within
19 any ten-day period may be aggregated in determining the grade of the offense.

20 **4. A person does not commit the crime of passing a bad check pursuant to this**
21 **section if at the time the payee accepts a check or similar sight order for the payment of**
22 **money, he or she does so with the understanding that the payee will not present it for**

23 **payment until later and the payee knows or has reason to believe that there are insufficient**
24 **funds on deposit with the drawee at the time of acceptance. However, this subsection shall**
25 **not apply if the person's account on which the instrument was written was closed by the**
26 **consumer before the agreed upon date of negotiation or the consumer has stopped payment**
27 **on the check.**

28 [4.] **5.** Passing bad checks is a class A misdemeanor, unless:

29 (1) The face amount of the check or sight order or the aggregated amounts is [one] **five**
30 hundred [fifty] dollars or more; or

31 (2) The issuer had no account with the drawee or if there was no such drawee at the time
32 the check or order was issued, in which cases passing bad checks is a class D felony.

33 [5.] **6.** (1) In addition to all other costs and fees allowed by law, each prosecuting
34 attorney or circuit attorney who takes any action pursuant to the provisions of this section shall
35 collect from the issuer in such action an administrative handling cost. The cost shall be five
36 dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one
37 hundred dollars, and twenty-five dollars for checks of one hundred dollars or more. For checks
38 of one hundred dollars or more an additional fee of ten percent of the face amount shall be
39 assessed, with a maximum fee for administrative handling costs not to exceed fifty dollars total.
40 Notwithstanding the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in
41 this subsection shall be deposited by the county treasurer into a separate interest-bearing fund
42 to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended,
43 upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to
44 issue checks thereon, only for purposes related to that previously authorized in this section. Any
45 revenues that are not required for the purposes of this section may be placed in the general
46 revenue fund of the county or city not within a county.

47 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney
48 for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial
49 and witness preparation, additional employees for the staff of the prosecuting or circuit attorney
50 and employees' salaries.

51 (3) This fund may be audited by the state auditor's office or the appropriate auditing
52 agency.

53 (4) If the moneys collected and deposited into this fund are not totally expended
54 annually, then the unexpended balance shall remain in said fund and the balance shall be kept
55 in said fund to accumulate from year to year.

56 [6. Notwithstanding any other provisions of law to the contrary, in addition to the
57 administrative handling costs provided for in subsection 5 of this section, the prosecuting
58 attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face

59 amount of the check, a reasonable service charge, which along with the face amount of the check
60 shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney
61 or circuit attorney does not collect the service charge and the face amount of the check, the party
62 to whom the check was issued may collect from the issuer a reasonable service charge along with
63 the face amount of the check] **7. Notwithstanding any other provision of law to the contrary:**

64 **(1) In addition to the administrative handling costs provided for in subsection 5 of**
65 **this section, the prosecuting attorney or circuit attorney shall collect from the issuer, in**
66 **addition to the face amount of the check, a reasonable service charge, which along with the**
67 **face amount of the check, shall be turned over to the party to whom the bad check was**
68 **issued;**

69 **(2) If a check that is dishonored or returned unpaid by a financial institution is not**
70 **referred to the prosecuting attorney or circuit attorney for any action pursuant to the**
71 **provisions of this section, the party to whom the check was issued, or his or her agent or**
72 **assignee, or a holder, may collect from the issuer, in addition to the face amount of the**
73 **check, a reasonable service charge, not to exceed thirty dollars, plus an amount equal to**
74 **the actual charge by the depository institution for the return of each unpaid or dishonored**
75 **instrument.**

76 [7.] **8.** In all cases where a prosecutor receives notice from the original holder that a
77 person has violated this section with respect to a payroll check or order, the prosecutor, if he
78 determines there is a violation of this section, shall file an information or seek an indictment
79 within sixty days of such notice and may file an information or seek an indictment thereafter if
80 the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and
81 if he determines there is sufficient evidence shall further prosecute such cases.

82 [8.] **9.** When any financial institution returns a dishonored check to the person who
83 deposited such check, it shall be in substantially the same physical condition as when deposited,
84 or in such condition as to provide the person who deposited the check the information required
85 to identify the person who wrote the check.

570.123. In addition to all other penalties provided by law, any person who makes,
2 utters, draws, or delivers any check, draft, or order for the payment of money upon any bank,
3 savings and loan association, credit union, or other depository, financial institution, person, firm,
4 or corporation which is not honored because of lack of funds or credit to pay or because of not
5 having an account with the drawee and who fails to pay the amount for which such check, draft,
6 or order was made in cash to the holder within thirty days after notice and a written demand for
7 payment, deposited as certified or registered mail in the United States mail, **or by regular mail,**
8 **supported by an affidavit of service by mailing, notice deemed conclusive three days**
9 **following the date the affidavit is executed,** and addressed to the maker and to the endorser,

10 if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or
11 order or to the last known address, shall, in addition to the face amount owing upon such check,
12 draft, or order, be liable to the holder for three times the face amount owed or one hundred
13 dollars, whichever is greater, plus attorney fees incurred in bringing an action pursuant to this
14 section. Only the original holder, whether the holder is a person, bank, savings and loan
15 association, credit union, or other depository, financial institution, firm or corporation, may bring
16 an action under this section. No original holder shall bring an action pursuant to this section if
17 the original holder has been paid the face amount of the check and costs recovered by the
18 prosecuting attorney or circuit attorney pursuant to subsection 6 of section 570.120. If the issuer
19 of the check has paid the face amount of the check and costs pursuant to subsection 6 of section
20 570.120, such payment shall be an affirmative defense to any action brought pursuant to this
21 section. The original holder shall elect to bring an action under this section or section 570.120,
22 but may not bring an action under both sections. In no event shall the damages allowed under
23 this section exceed five hundred dollars, exclusive of attorney fees. In situations involving
24 payroll checks, the damages allowed under this section shall only be assessed against the
25 employer who issued the payroll check and not against the employee to whom the payroll check
26 was issued. The provisions of sections 408.140 and 408.233, RSMo, to the contrary
27 notwithstanding, a lender may bring an action pursuant to this section. The provisions of this
28 section will not apply in cases where there exists a bona fide dispute over the quality of goods
29 sold or services rendered.

570.125. 1. A person commits the crime of "fraudulently stopping payment of an
2 instrument" if he, knowingly, with the purpose to defraud, stops payment on a check or draft
3 given in payment for the receipt of goods or services.

4 2. Fraudulently stopping payment of an instrument is a class A misdemeanor, unless the
5 face amount of the check or draft is [one hundred fifty] **five hundred** dollars or more or, if the
6 stopping of payment of more than one check or draft is involved in the same course of conduct,
7 the aggregate amount is [one hundred fifty] **five hundred** dollars or more, in which case the
8 offense is a class D felony.

9 3. It shall be prima facie evidence of a violation of this section, if a person stops payment
10 on a check or draft and fails to make good the check or draft, or return or make and comply with
11 reasonable arrangements to return the property for which the check or draft was given in the
12 same or substantially the same condition as when received within ten days after notice in writing
13 from the payee that the check or draft has not been paid because of a stop payment order by the
14 issuer to the drawee.

15 4. "Notice in writing" means notice deposited as certified or registered mail in the United
16 States mail and addressed to the issuer at his address as it appears on the dishonored check or

17 draft or to his last known address. The notice shall contain a statement that failure to make good
18 the check or draft within ten days of receipt of the notice may subject the issuer to criminal
19 prosecution.

570.130. 1. A person commits the crime of fraudulent use of a credit device or debit
2 device if the person uses a credit device or debit device for the purpose of obtaining services or
3 property, knowing that:

4 (1) The device is stolen, fictitious or forged; or

5 (2) The device has been revoked or canceled; or

6 (3) For any other reason his use of the device is unauthorized; or

7 **(4) Uses a credit device or debit device for the purpose of paying property taxes and**
8 **knowingly cancels said charges or payment without just cause. It shall be prima facie**
9 **evidence of a violation of this section if a person cancels said charges or payment after**
10 **obtaining a property tax receipt to obtain license tags from the Missouri department of**
11 **revenue.**

12 2. Fraudulent use of a credit device or debit device is a class A misdemeanor unless the
13 value of the property **tax or the value of the property** or services obtained or sought to be
14 obtained within any thirty-day period is [one hundred fifty] **five hundred** dollars or more, in
15 which case fraudulent use of a credit device or debit device is a class D felony.

570.210. 1. A person commits the crime of library theft if with the purpose to deprive,
2 he:

3 (1) Knowingly removes any library material from the premises of a library without
4 authorization; or

5 (2) Borrows or attempts to borrow any library material from a library by use of a library
6 card:

7 (a) Without the consent of the person to whom it was issued; or

8 (b) Knowing that the library card is revoked, canceled or expired; or

9 (c) Knowing that the library card is falsely made, counterfeit or materially altered; or

10 (3) Borrows library material from any library pursuant to an agreement or procedure
11 established by the library which requires the return of such library material and, with the purpose
12 to deprive the library of the library material, fails to return the library material to the library.

13 2. It shall be prima facie evidence of the person's purpose to deprive the library of the
14 library materials if, within ten days after notice in writing deposited as certified mail from the
15 library demanding the return of such library material, he without good cause shown fails to return
16 the library material. A person is presumed to have received the notice required by this subsection
17 if the library mails such notice to the last address provided to the library by such person.

18 3. The crime of library theft is a class [C] **D** felony if the value of the library material is

19 [one hundred and fifty] **five hundred** dollars or more; otherwise, library theft is a class [C] A
20 misdemeanor.

570.300. 1. A person commits the crime of theft of cable television service if he:

2 (1) Knowingly obtains or attempts to obtain cable television service without paying all
3 lawful compensation to the operator of such service, by means of artifice, trick, deception or
4 device; or

5 (2) Knowingly assists another person in obtaining or attempting to obtain cable
6 television service without paying all lawful compensation to the operator of such service; or

7 (3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires
8 or other devices used for the distribution of cable television if the effect of such action is to
9 obtain cable television without paying all lawful compensation therefor; or

10 (4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device,
11 plan or kit designed and intended to obtain cable television service in violation of this section.

12 2. Theft of cable television service is a class [C] **D** felony if the value of the service
13 appropriated is [one hundred fifty] **five hundred** dollars or more; otherwise theft of cable
14 television services is a class A misdemeanor.

15 3. Any cable television operator may bring an action to enjoin and restrain any violation
16 of the provisions of this section or bring an action for conversion. In addition to any actual
17 damages, an operator may be entitled to punitive damages and reasonable attorney fees in any
18 case in which the court finds that the violation was committed willfully and for purposes of
19 commercial advantage. In the event of a defendant's verdict the defendant may be entitled to
20 reasonable attorney fees.

21 4. The existence on the property and in the actual possession of the accused of any
22 connection wire, or conductor, which is connected in such a manner as to permit the use of cable
23 television service without the same being reported for payment to and specifically authorized by
24 the operator of the cable television service shall be sufficient to support an inference which the
25 trial court may submit to the trier of fact, from which the trier of fact may conclude that the
26 accused has committed the crime of theft of cable television service.

27 5. If a cable television company either:

28 (1) Provides unsolicited cable television service; or

29 (2) Fails to change or disconnect cable television service within ten days after receiving
30 written notice to do so by the customer, the customer may deem such service to be a gift without
31 any obligation to the cable television company from ten days after such written notice is received
32 until the service is changed or disconnected.

33 6. Nothing in this section shall be construed to render unlawful or prohibit an individual
34 or other legal entity from owning or operating a video cassette recorder or devices commonly

35 known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed
36 television signals for his own use.

37 7. As used in this section, the term "cable television service" includes microwave
38 television transmission from a multipoint distribution service not capable of reception by
39 conventional television receivers without the use of special equipment.

571.020. 1. A person commits a crime if [he] **such person** knowingly possesses,
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 **(2) An explosive, incendiary or poison substance or material with the purpose to**
5 **possess, manufacture or sell an explosive weapon;**

6 [(2)] **(3)** A machine gun;

7 [(3)] **(4)** A gas gun;

8 [(4)] **(5)** A short barreled rifle or shotgun;

9 [(5)] **(6)** A firearm silencer;

10 [(6)] **(7)** A switchblade knife;

11 [(7)] **(8)** A bullet or projectile which explodes or detonates upon impact because of an
12 independent explosive charge after having been shot from a firearm; or

13 [(8)] **(9)** Knuckles.

14 2. A person does not commit a crime [under] **pursuant to** this section if his conduct:

15 (1) Was incident to the performance of official duty by the armed forces, national guard,
16 a governmental law enforcement agency, or a penal institution; or

17 (2) Was incident to engaging in a lawful commercial or business transaction with an
18 organization enumerated in subdivision (1) of this section; or

19 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
20 industrial or commercial enterprise; or

21 (4) Was incident to displaying the weapon in a public museum or exhibition; or

22 (5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake,
23 or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon
24 is a type described in subdivision (1), [(3) or (5)] **(4) or (6)** of subsection 1 of this section it must
25 be in such a nonfunctioning condition that it cannot readily be made operable. No short barreled
26 rifle, short barreled shotgun, or machine gun may be possessed, manufactured, transported,
27 repaired or sold as a curio, ornament, or keepsake, unless such person is an importer,
28 manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun
29 Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined
30 in subsection 3 of section 571.080, or unless such firearm has been designated a "collectors item"
31 by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845 (a).

32 3. A crime [under] **pursuant to** subdivision (1), (2), (3), (4) [or], (5) **or (6)** of subsection
33 1 of this section is a class C felony; a crime [under] **pursuant to** subdivision [(6),] (7) [or], (8)
34 or (9) of subsection 1 of this section is a class A misdemeanor.

 571.070. 1. A person commits the crime of unlawful possession of a [concealable]
2 firearm if he has any [concealable] firearm in his possession and:

3 (1) He has pled guilty to or has been convicted of a dangerous felony, as defined in
4 section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under the
5 laws of any state or of the United States which, if committed within this state, would be a
6 dangerous felony, or confined therefor in this state or elsewhere during the five-year period
7 immediately preceding the date of such possession; or

8 (2) He is a fugitive from justice, is habitually in an intoxicated or drugged condition, or
9 is currently adjudged mentally incompetent.

10 2. Unlawful possession of a [concealable] firearm is a class C felony.

 574.115. 1. A person commits the crime of making a [terroristic] **terrorist** threat if such
2 person communicates a threat to [commit a felony,] **cause an incident or condition involving**
3 **danger to life, communicates** a knowingly false report [concerning the commission of any
4 felony] **of an incident or condition involving danger to life**, or knowingly [false report
5 concerning the occurrence of any catastrophe] **causes a false belief or fear that an incident has**
6 **occurred or that a condition exists involving danger to life:**

7 (1) [For] **With** the purpose of frightening [or disturbing] ten or more people;

8 (2) [For] **With** the purpose of causing the evacuation, **quarantine** or closure of any
9 **portion of a building, inhabitable structure, place of assembly or facility of transportation; or**

10 (3) With reckless disregard of the risk of causing the evacuation, **quarantine** or closure
11 of any **portion of a building, inhabitable structure, place of assembly or facility of**
12 **transportation; or**

13 (4) **With criminal negligence with regard to the risk of causing the evacuation,**
14 **quarantine or closure of any portion of a building, inhabitable structure, place of assembly**
15 **or facility of transportation.**

16 2. Making a [terroristic] **terrorist** threat is a class C felony unless committed under
17 subdivision (3) of subsection 1 of this section in which case it is a class D felony **or unless**
18 **committed under subdivision (4) of subsection 1 of this section in which case it is a class A**
19 **misdemeanor.**

20 3. [As used in this section:

21 (1) The term "threat" means an express or implied threat but does not include a report
22 made in good faith for the purpose of preventing harm; and

23 (2) The term "catastrophe" is defined by section 569.070, RSMo] **For the purpose of**

24 **this section, "threat" includes an express or implied threat.**

25 **4. A person who acts in good faith with the purpose to prevent harm does not**
26 **commit a crime pursuant to this section.**

575.150. 1. A person commits the crime of resisting or interfering with arrest, **stop, or**
2 **detention** if, knowing that a law enforcement officer is making an arrest, or attempting to
3 lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law
4 enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an
5 individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or
6 detention, the person:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
8 violence or physical force or by fleeing from such officer; or

9 (2) Interferes with the arrest, stop or detention of another person by using or threatening
10 the use of violence, physical force or physical interference.

11 2. This section applies to arrests, stops or detentions with or without warrants and to
12 arrests, stops or detentions for any crime, infraction or ordinance violation.

13 3. [It is no defense to a prosecution pursuant to subsection 1 of this section that the law
14 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section
15 shall be construed to bar civil suits for unlawful arrest.

16 4.] Resisting, by means other than flight, or interfering with an arrest **detention or stop**
17 **for a felony, is a class D felony[;]. Resisting an arrest by fleeing in such a manner that the**
18 **person fleeing creates a substantial risk of serious physical injury or death to any person**
19 **is a class D felony;** otherwise, resisting or interfering with arrest is a class A misdemeanor.

576.080. 1. A person commits the crime of supporting terrorism if such person
2 **knowingly provides material support to any organization designated as a foreign terrorist**
3 **organization pursuant to 8 U.S.C. 1189, as amended and acts recklessly with regard to**
4 **whether such organization had been designated as a foreign terrorist organization**
5 **pursuant to 8 U.S.C. 1189.**

6 2. For the purpose of this section, "material support" includes currency or other
7 financial securities, financial services, lodging, training, safehouses, false documentation
8 or identification, communications equipment, facilities, weapons, lethal substances,
9 explosives, personnel, transportation and other physical assets, except medicine or religious
10 materials.

11 3. Supporting terrorism is a class C felony.

577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to
3 any test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal

4 shall be admissible in a proceeding pursuant to section 565.024 or 565.060, RSMo, or section
5 577.010 or 577.012. The request of the officer shall include the reasons of the officer for
6 requesting the person to submit to a test and also shall inform the person that evidence of refusal
7 to take the test may be used against such person and that the person's license shall be
8 immediately revoked upon refusal to take the test. If a person when requested to submit to any
9 test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be
10 granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the
11 twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a
12 refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of
13 license revocation personally upon the person and shall take possession of any license to operate
14 a motor vehicle issued by this state which is held by that person. The officer shall issue a
15 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall
16 also give the person a notice of such person's right to file a petition for review to contest the
17 license revocation.

18 2. The officer shall make a [sworn] **certified** report to the director of revenue **in a**
19 **format prescribed by the director**, which shall include the following:

20 (1) That the officer has:

21 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle
22 while in an intoxicated or drugged condition; or

23 (b) Reasonable grounds to believe that the person stopped, being under the age of
24 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
25 of one percent or more by weight; or

26 (c) Reasonable grounds to believe that the person stopped, being under the age of
27 twenty-one years, was committing a violation of the traffic laws of the state, or political
28 subdivision of the state, and such officer has reasonable grounds to believe, after making such
29 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

30 (2) That the person refused to submit to a chemical test;

31 (3) Whether the officer secured the license to operate a motor vehicle of the person;

32 (4) Whether the officer issued a fifteen-day temporary permit;

33 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice
34 of the right to file a petition for review, which notices and permit may be combined in one
35 document; and

36 (6) Any license to operate a motor vehicle which the officer has taken into possession.

37 3. Upon receipt of the officer's report, the director shall revoke the license of the person
38 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
39 operating permit or privilege shall be revoked for one year; or if the person is a resident without

40 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
41 person the issuance of a license or permit for a period of one year.

42 4. If a person's license has been revoked because of the person's refusal to submit to a
43 chemical test, such person may petition for a hearing before a circuit or associate circuit court
44 in the county in which the arrest or stop occurred. The person may request such court to issue
45 an order staying the revocation until such time as the petition for review can be heard. If the
46 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the
47 director of revenue and shall send a copy of such order to the director. Such order shall serve
48 as proof of the privilege to operate a motor vehicle in this state and the director shall maintain
49 possession of the person's license to operate a motor vehicle until termination of any revocation
50 pursuant to this section. Upon the person's request the clerk of the court shall notify the
51 prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the
52 director of revenue. At the hearing the court shall determine only:

53 (1) Whether or not the person was arrested or stopped;

54 (2) Whether or not the officer had:

55 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in
56 an intoxicated or drugged condition; or

57 (b) Reasonable grounds to believe that the person stopped, being under the age of
58 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
59 of one percent or more by weight; or

60 (c) Reasonable grounds to believe that the person stopped, being under the age of
61 twenty-one years, was committing a violation of the traffic laws of the state, or political
62 subdivision of the state, and such officer had reasonable grounds to believe, after making such
63 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

64 (3) Whether or not the person refused to submit to the test.

65 5. If the court determines any issue not to be in the affirmative, the court shall order the
66 director to reinstate the license or permit to drive.

67 6. Requests for review as provided in this section shall go to the head of the docket of
68 the court wherein filed.

69 7. No person who has had a license to operate a motor vehicle suspended or revoked
70 pursuant to the provisions of this section shall have that license reinstated until such person has
71 participated in and successfully completed a substance abuse traffic offender program defined
72 in section 577.001, or a program determined to be comparable by the department or the court.
73 Assignment recommendations, based upon the needs assessment as described in subdivision (21)
74 of section 302.010, RSMo, shall be delivered in writing to the person with written notice that the
75 person is entitled to have such assignment recommendations reviewed by the court if the person

76 objects to the recommendations. The person may file a motion in the associate division of the
77 circuit court, on a printed form provided by the state courts administrator, to have the court hear
78 and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall
79 name the person or entity making the needs assessment as the respondent and a copy of the
80 motion shall be served upon the respondent in any manner allowed by law. Upon hearing the
81 motion, the court may modify or waive any assignment recommendation that the court
82 determines to be unwarranted based upon a review of the needs assessment, the person's driving
83 record, the circumstances surrounding the offense, and the likelihood of the person committing
84 a like offense in the future, except that the court may modify but may not waive the assignment
85 to an education or rehabilitation program of a person determined to be a prior or persistent
86 offender as defined in section 577.023, RSMo, or of a person determined to have operated a
87 motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.
88 Compliance with the court determination of the motion shall satisfy the provisions of this section
89 for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's
90 personal appearance at any hearing conducted pursuant to this subsection shall not be necessary
91 unless directed by the court.

92 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
93 determined by the division of alcohol and drug abuse of the department of mental health, shall
94 be paid by the person enrolled in the program. Any person who is enrolled in the program shall
95 pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The
96 administrator of the program shall remit to the division of alcohol and drug abuse of the
97 department of mental health the supplemental fee for all persons enrolled in the program, less
98 two percent for administrative costs. The supplemental fees received by the department of
99 mental health pursuant to this section shall be deposited in the mental health earnings fund which
100 is created in section 630.053, RSMo.

577.054. 1. After a period of not less than ten years, an individual who has pleaded
2 guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor
3 or a county or city ordinance violation and which is not a conviction for driving a commercial
4 motor vehicle while under the influence of alcohol and who since such date has not been
5 convicted of any other alcohol-related driving offense may apply to the court in which he pled
6 guilty or was sentenced for an order to expunge from all official records all recordations of his
7 arrest, plea, trial or conviction. If the court determines, after hearing, that such person has not
8 been convicted of any alcohol-related driving offense in the ten years prior to the date of the
9 application for expungement, and has no other alcohol-related enforcement contacts as defined
10 in section 302.525, RSMo, during that ten-year period, the court shall enter an order of
11 expungement. The effect of such order shall be to restore such person to the status he occupied

12 prior to such arrest, plea or conviction and as if such event had never taken place. No person as
13 to whom such order has been entered shall be held thereafter under any provision of any law to
14 be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or
15 acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made
16 of him for any purpose whatsoever and no such inquiry shall be made for information relating
17 to an expungement under this section. A person shall only be entitled to one expungement
18 pursuant to this section. Nothing contained in this section shall prevent the director from
19 maintaining such records as to ensure that an individual receives only one expungement pursuant
20 to this section for the purpose of informing the proper authorities of the contents of any record
21 maintained pursuant to this section.

22 **2. The director of revenue shall expunge all official records and recordations**
23 **maintained by the department of revenue of any suspensions, revocations, or other**
24 **administrative disciplinary actions taken by the director of revenue as the result of or**
25 **arising out of or related to the arrest, plea, trial, or conviction of any person for any offense**
26 **for which the court has ordered expungement pursuant to subsection 1 of this section.**
27 **Nothing contained in this subsection shall prevent the director of revenue from**
28 **maintaining such records as are necessary to ensure that an individual receives only one**
29 **expungement pursuant to subsection 1 of this section, provided that these records or the**
30 **information contained therein shall only be released to the court where such person plead**
31 **guilty to or nolo contendere to or was found guilty of the offense which was ordered**
32 **expunged.**

577.600. 1. In addition to any other provisions of law, a court may require that any
2 person who is found guilty of or pleads guilty to a first **or second** intoxication-related traffic
3 offense, as defined in section 577.023, [and a court shall require that any person who is found
4 guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined
5 in section 577.023,] shall not operate any motor vehicle unless that vehicle is equipped with a
6 functioning, certified ignition interlock device for a period of not less than one month from the
7 date [of reinstatement of the person's driver's license. In addition, any court authorized to grant
8 a limited driving privilege under section 302.309, RSMo, to any person who is found guilty of
9 or pleads guilty to a second or subsequent intoxication-related traffic offense shall require the
10 use of an ignition interlock device on all vehicles operated by the person as a required condition
11 of the limited driving privilege] **such person was placed on probation and required to use the**
12 **device.** Any person required to use an ignition interlock device shall comply with the court
13 order, subject to the penalties provided by this section.

14 **2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to**
15 **have had that person's driving privilege restricted as provided in subsection 1 of this section,**

16 unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person
17 whose driving privilege is restricted as provided in subsection 1 of this section shall notify any
18 other person who rents, leases or loans a motor vehicle to that person of the driving restriction
19 imposed pursuant to this section.

20 3. **Notwithstanding the provisions of chapter 302, RSMo, the department of**
21 **revenue shall not, as a result of a first or second intoxication-related traffic offense,**
22 **suspend or revoke the driving privilege of any person who is found guilty of or pleads**
23 **guilty to a first or second intoxication-related traffic offense, as defined in section 577.023,**
24 **and who is required to use an ignition interlock device pursuant to subsection 1 of this**
25 **section.**

26 4. Any person convicted of a violation of this section shall be guilty of a class A
27 misdemeanor.

578.008. 1. A person commits the crime of [spreading disease to livestock or animals]
2 **agroterrorism** if [that] **such** person purposely spreads any type of contagious, communicable
3 or infectious disease among **crops, poultry**, livestock as defined in section 267.565, RSMo, or
4 other animals.

5 2. [Spreading disease to livestock or animals] **Agroterrorism** is a class D felony unless
6 the damage to **crops, poultry**, livestock or animals is ten million dollars or more in which case
7 it is a class B felony.

8 3. It shall be a defense to the crime of [spreading disease to livestock or animals]
9 **agroterrorism** if such spreading is consistent with medically recognized therapeutic procedures
10 **or done in the course of legitimate, professional scientific research.**

578.150. 1. A person commits the crime of failing to return leased or rented property
2 if, with the intent to deprive the owner thereof, he purposefully fails to return leased or rented
3 personal property to the place and within the time specified in an agreement in writing providing
4 for the leasing or renting of such personal property. In addition, any person who has leased or
5 rented personal property of another who conceals the property from the owner, or who otherwise
6 sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the crime
7 of failing to return leased or rented property. The provisions of this section shall apply to all
8 forms of leasing and rental agreements, including, but not limited to, contracts which provide
9 the consumer options to buy the leased or rented personal property, lease-purchase agreements
10 and rent-to-own contracts. For the purpose of determining if a violation of this section has
11 occurred, leasing contracts which provide options to buy the merchandise are owned by the
12 owner of the property until such time as the owner endorses the sale and transfer of ownership
13 of the leased property to the lessee.

14 2. It shall be prima facie evidence of the crime of failing to return leased or rented

15 property when a person who has leased or rented personal property of another willfully fails to
16 return or make arrangements acceptable with the lessor to return the personal property to its
17 owner at the owner's place of business within ten days after proper notice following the
18 expiration of the lease or rental agreement, except that if the motor vehicle has not been returned
19 within seventy-two hours after the expiration of the lease or rental agreement, such failure to
20 return the motor vehicle shall be prima facie evidence of the intent of the crime of failing to
21 return leased or rented property. Where the leased or rented property is a motor vehicle, if the
22 motor vehicle has not been returned within seventy-two hours after the expiration of the lease
23 or rental agreement, the lessor may notify the local law enforcement agency of the failure of the
24 lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor
25 vehicle to be put into any appropriate state and local computer system listing stolen motor
26 vehicles. Any law enforcement officer which stops such a motor vehicle may seize the motor
27 vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and
28 its vehicle identification number is recorded for evidentiary purposes. Where the leased or
29 rented property is not a motor vehicle, if such property has not been returned within the ten-day
30 period prescribed in this subsection, the owner of the property shall report the failure to return
31 the property to the local law enforcement agency, and such law enforcement agency may within
32 five days notify the person who leased or rented the property that such person is in violation of
33 this section, and that failure to immediately return the property may subject such person to arrest
34 for the violation.

35 3. This section shall not apply if such personal property is a vehicle and such return is
36 made more difficult or expensive by a defect in such vehicle which renders such vehicle
37 inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect
38 before the expiration of the lease or rental agreement, or within ten days after proper notice.

39 4. Proper notice by the lessor shall consist of a written demand addressed and mailed by
40 certified or registered mail to the lessee at the address given at the time of making the lease or
41 rental agreement. The notice shall contain a statement that the failure to return the property may
42 subject the lessee to criminal prosecution.

43 5. Any person who has leased or rented personal property of another who destroys such
44 property so as to avoid returning it to the owner shall be guilty of property damage pursuant to
45 section 569.100 or 569.120, RSMo, in addition to being in violation of this section.

46 6. Venue shall lie in the county where the personal property was originally rented or
47 leased.

48 7. Failure to return leased or rented property is a class A misdemeanor unless the
49 property involved has a value of [one hundred fifty] **five hundred** dollars or more, in which case
50 failing to return leased or rented property is a class [C] **D** felony.

578.377. 1. A person commits the crime of unlawfully receiving food stamp coupons or ATP cards if he knowingly receives or uses the proceeds of food stamp coupons or ATP cards to which he is not lawfully entitled or for which he has not applied and been approved by the department to receive.

2. Unlawfully receiving food stamp coupons or ATP cards is a class D felony unless the face value of the food stamp coupon or ATP cards is less than [one hundred fifty] **five hundred** dollars, in which case unlawful receiving of food stamp coupons and ATP cards is a class A misdemeanor.

578.379. 1. A person commits the crime of conversion of food stamp coupons or ATP cards if he knowingly engages in any transaction to convert food stamp coupons or ATP cards to other property contrary to statutes, rules and regulations, either state or federal, governing the food stamp program.

2. Unlawful conversion of food stamp coupons or ATP cards is a class D felony unless the face value of said food stamp coupons or ATP cards is less than [one hundred fifty] **five hundred** dollars, in which case unlawful conversion of food stamp coupons or ATP cards is a class A misdemeanor.

578.381. 1. A person commits the crime of unlawful transfer of food stamp coupons or ATP cards if he knowingly transfers food stamp coupons or ATP cards to another not lawfully entitled or approved by the department to receive the food stamp coupons or ATP cards.

2. Unlawful transfer of food stamp coupons or ATP cards is a class D felony unless the face value of said food stamp coupons or ATP cards is less than [one hundred fifty] **five hundred** dollars, in which case unlawful transfer of food stamp coupons or ATP cards is a class A misdemeanor.

578.385. 1. A person commits the crime of perjury for the purpose of this section if he knowingly makes a false or misleading statement or misrepresents a fact material for the purpose of obtaining public assistance if the false or misleading statement is reduced to writing and verified by the signature of the person making the statement and by the signature of any employee of the Missouri department of social services. The same person may not be charged with unlawfully receiving public assistance benefits and perjury [under] **pursuant to** this section when both offenses arise from the same application for benefits.

2. A statement or fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the granting of public assistance.

3. Knowledge of the materiality of the statement or fact is not an element of this crime, and it is no defense that:

(1) The defendant mistakenly believed the fact to be immaterial; or

(2) The defendant was not competent, for reasons other than mental disability, to make

14 the statement.

15 4. Perjury committed as part of a transaction involving the making of an application to
16 obtain public assistance is a class D felony unless the value of the public assistance unlawfully
17 obtained or unlawfully attempted to be obtained is less than [one hundred fifty] **five hundred**
18 dollars in which case it is a class A misdemeanor.

578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The
2 Animal Research and Production Facilities Protection Act".

3 2. As used in sections 578.405 to 578.412, the following terms mean:

4 (1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

5 (2) "Animal facility", any facility, **animal farming operation, business or organization**
6 engaging in legal scientific research or agricultural production or involving the use of animals,
7 including any organization with a primary purpose of representing livestock production or
8 processing, any organization with a primary purpose of promoting or marketing livestock or
9 livestock products, any person licensed to practice veterinary medicine, any organization
10 involved in the production of pet food or pet food research, and any organization with a primary
11 purpose of representing any such person, organization, or institution. The term shall include the
12 owner, operator, and employees of any animal facility [and], the offices [and], **barns, buildings,**
13 **or other structures, the** vehicles of any such persons while engaged in duties related to the
14 animal facility, and any premises, **private or public property**, where animals are located,
15 **including but not limited to the barns or areas where the animals are pastured, housed, or**
16 **otherwise quartered;**

17 (3) "Director", the director of the department of agriculture.

578.407. No person shall:

2 (1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal
3 at or from an animal facility and not authorized by that facility;

4 (2) Damage, vandalize, or steal any property in or on an animal facility;

5 (3) Obtain access to an animal facility by false pretenses for the purpose of performing
6 acts not authorized by the facility;

7 (4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter,
8 duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

9 (5) Knowingly obtain, by theft or deception, control over records, data, material,
10 equipment, or animals of any animal facility for the purpose of depriving the rightful owner or
11 animal facility of the records, material, data, equipment, or animals, or for the purpose of
12 concealing, abandoning, or destroying such records, material, data, equipment, or animals;

13 (6) Enter or remain on an animal facility with the intent to commit an act prohibited by
14 this section;

15 **(7) Photograph, videotape, or otherwise obtain images from within the animal**
16 **facility without the express written consent of the animal facility;**

17 **(8) Intentionally or knowingly release or introduce any pathogen or disease in or**
18 **near an animal facility that has the potential to cause disease in any animal at the animal**
19 **facility or which otherwise threatens human health or biosecurity at the animal facility.**

578.409. 1. Any person who violates section 578.407:

2 (1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or
3 damage to the animal facility exceeds three hundred dollars in value;

4 (2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section**
5 **578.407** or if the loss, theft, or damage to the animal facility property exceeds three hundred
6 dollars in value but does not exceed ten thousand dollars in value;

7 (3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility
8 property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars
9 in value;

10 (4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility
11 exceeds one hundred thousand dollars in value.

12 2. Any person who intentionally agrees with another person to violate section 578.407
13 and commits an act in furtherance of such violation shall be guilty of the same class of violation
14 as provided in subsection 1 of this section.

15 3. In the determination of the value of the loss, theft, or damage to an animal facility, the
16 court shall conduct a hearing to determine the reasonable cost of replacement of materials, data,
17 equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as
18 well as the reasonable cost of lost production funds and repeating experimentation that may have
19 been disrupted or invalidated as a result of the violation of section 578.407.

20 4. Any persons found guilty of a violation of section 578.407 shall be ordered by the
21 court to make restitution, jointly and severally, to the owner, operator, or both, of the animal
22 facility, in the full amount of the reasonable cost as determined under subsection 3 of this
23 section.

24 5. Any person who has been damaged by a violation of section 578.407 may recover all
25 actual and consequential damages, punitive damages, and court costs, including reasonable
26 attorneys' fees, from the person causing such damage.

27 6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in
28 its business or property by a violation of section 578.407 from seeking appropriate relief under
29 any other provision of law or remedy including the issuance of an injunction against any person
30 who violates section 578.407 **including any relief authorized under subsection 5 of this**
31 **section.** The owner or operator of the animal facility may petition the court to permanently enjoin

32 such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of
2 sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any
3 action within the director's authority necessary for the enforcement of sections 578.405 to
4 578.412] **initiate civil legal action in the circuit court of the county where the violation**
5 **occurred**. The attorney general, the highway patrol, and other law enforcement officials shall
6 provide assistance required in the conduct of an investigation.

7 2. The director may promulgate rules and regulations necessary for the enforcement of
8 sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of
9 sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to
10 the provisions of section 536.024, RSMo.

595.010 1. As used in sections 595.010 to 595.075, unless the context requires
2 otherwise, the following terms shall mean:

3 (1) "Child", a dependent, unmarried person who is under eighteen years of age and
4 includes a posthumous child, stepchild, or an adopted child;

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of
6 a victim eligible for compensation pursuant to sections 595.010 to 595.075;

7 (3) "Conservator", a person or corporation appointed by a court to have the care and
8 custody of the estate of a minor or a disabled person, including a limited conservator;

9 (4) "Counseling", problem-solving and support concerning emotional issues that result
10 from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential
11 service provided either on an individual basis or in a group. Counseling has as a primary purpose
12 to enhance, protect and restore a person's sense of well-being and social functioning after
13 victimization. Counseling does not include victim advocacy services such as crisis telephone
14 counseling, attendance at medical procedures, law enforcement interviews or criminal justice
15 proceedings;

16 (5) "Crime", an act committed in this state which, if committed by a mentally competent,
17 criminally responsible person who had no legal exemption or defense, would constitute a crime;
18 provided that, such act involves the application of force or violence or the threat of force or
19 violence by the offender upon the victim but shall include the crime of driving while intoxicated,
20 vehicular manslaughter and hit and run; and provided, further, that no act involving the operation
21 of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run
22 which results in injury to another shall constitute a crime for the purpose of sections 595.010 to
23 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A
24 crime shall also include an act of terrorism, as defined in 18 U.S.C. section 2331, which has been
25 committed outside of the United States against a resident of Missouri;

- 26 (6) "Crisis intervention counseling", helping to reduce psychological trauma where
27 victimization occurs;
- 28 (7) "Department", the department of public safety;
- 29 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
30 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially
31 dependent for support upon[, and living with, but shall include children entitled to child support
32 but not living with,] the victim at the time of his injury or death due to a crime alleged in a claim
33 pursuant to sections 595.010 to 595.070;
- 34 (9) "Direct service", providing physical services to a victim of crime including, but not
35 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,
36 notification and information;
- 37 (10) "Director", the director of public safety of this state or a person designated by him
38 for the purposes of sections 595.010 to 595.070;
- 39 (11) "Disabled person", one who is unable by reason of any physical or mental condition
40 to receive and evaluate information or to communicate decisions to such an extent that the
41 person lacks ability to manage his financial resources, including a partially disabled person who
42 lacks the ability, in part, to manage his financial resources;
- 43 (12) "Division", the division of workers' compensation of the state of Missouri;
- 44 (13) "Emergency service", those services provided within thirty days to alleviate the
45 immediate effects of the criminal act or offense, and may include cash grants of not more than
46 one hundred dollars;
- 47 (14) "Earnings", net income or net wages;
- 48 (15) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild,
49 brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;
- 50 (16) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen
51 method of interment, including plot or tomb and other necessary incidents to the disposition of
52 the remains;
- 53 (17) "Gainful employment", engaging on a regular and continuous basis, up to the date
54 of the incident upon which the claim is based, in a lawful activity from which a person derives
55 a livelihood;
- 56 (18) "Guardian", one appointed by a court to have the care and custody of the person of
57 a minor or of an incapacitated person, including a limited guardian;
- 58 (19) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined
59 in section 577.060, RSMo;
- 60 (20) "Incapacitated person", one who is unable by reason of any physical or mental
61 condition to receive and evaluate information or to communicate decisions to such an extent that

62 he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care
63 such that serious physical injury, illness, or disease is likely to occur, including a partially
64 incapacitated person who lacks the capacity to meet, in part, such essential requirements;

65 (21) "Injured victim", a person:

66 (a) Killed or receiving a personal physical injury in this state as a result of another
67 person's commission of or attempt to commit any crime;

68 (b) Killed or receiving a personal physical injury in this state while in a good faith
69 attempt to assist a person against whom a crime is being perpetrated or attempted;

70 (c) Killed or receiving a personal physical injury in this state while assisting a law
71 enforcement officer in the apprehension of a person who the officer has reason to believe has
72 perpetrated or attempted a crime;

73 (22) "Law enforcement official", a sheriff and his regular deputies, municipal police
74 officer or member of the Missouri state highway patrol and such other persons as may be
75 designated by law as peace officers;

76 (23) "Offender", a person who commits a crime;

77 (24) "Personal physical injury", actual bodily harm only with respect to the victim.
78 Personal physical injury may include mental or nervous shock resulting from the specific
79 incident upon which the claim is based;

80 (25) "Private agency", a not-for-profit corporation, in good standing in this state, which
81 provides services to victims of crime and their dependents;

82 (26) "Public agency", a part of any local or state government organization which
83 provides services to victims of crime;

84 (27) "Relative", the spouse of the victim or a person related to the victim within the third
85 degree of consanguinity or affinity as calculated according to civil law;

86 (28) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the
87 deceased victim [of the victim's household] at the time of the crime;

88 (29) "Victim", a person who suffers personal physical injury or death as a direct result
89 of a crime, as defined in subdivision (5) of this subsection*;

90 (30) "Victim advocacy", assisting the victim of a crime and his dependents to acquire
91 services from existing community resources.

92 2. As used in sections 565.024 and 565.060, RSMo, and sections 595.010 to 595.075,
93 the term "alcohol-related traffic offense" means those offenses defined by sections 577.001,
94 577.010, and 577.012, RSMo, and any county or municipal ordinance which prohibits operation
95 of a motor vehicle while under the influence of alcohol.

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for
2 compensation pursuant to sections 595.010 to 595.075:

- 3 (1) A victim of a crime;
- 4 (2) In the case of a sexual assault victim[:
- 5 (a)] a relative of the victim requiring counseling in order to better assist the victim in his
- 6 recovery; and
- 7 (3) In the case of the death of the victim as a direct result of the crime:
- 8 (a) A dependent of the victim;
- 9 (b) Any member of the family who legally assumes the obligation, or who pays the
- 10 medical or burial expenses incurred as a direct result thereof; and
- 11 (c) A survivor of the victim requiring counseling as a direct result of the death of the
- 12 victim.
- 13 2. An offender or an accomplice of an offender shall in no case be eligible to receive
- 14 compensation with respect to a crime committed by the offender. No victim or dependent shall
- 15 be denied compensation solely because he is a relative of the offender or was living with the
- 16 offender as a family or household member at the time of the injury or death. However, the
- 17 division may award compensation to a victim or dependent who is a relative, family or household
- 18 member of the offender only if the division can reasonably determine the offender will receive
- 19 no substantial economic benefit or unjust enrichment from the compensation.
- 20 3. No compensation of any kind may be made to a victim or intervenor injured while
- 21 confined in any federal, state, county, or municipal jail, prison or other correctional facility,
- 22 including house arrest.
- 23 4. No compensation of any kind may be made to a victim who has been finally
- 24 adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two
- 25 felonies within the past ten years, of which one or both involves illegal drugs or violence. The
- 26 division may waive this restriction if it determines that the interest of justice would be served
- 27 otherwise.
- 28 5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of
- 29 this section, who is incarcerated as a result of a conviction of a crime not related to the incident
- 30 upon which the claim is based at the time of application, or at any time following the filing of
- 31 the application:
- 32 (1) The division shall suspend all proceedings and payments until such time as the
- 33 claimant is released from incarceration;
- 34 (2) The division shall notify the applicant at the time the proceedings are suspended of
- 35 the right to reactivate the claim within six months of release from incarceration. The notice shall
- 36 be deemed sufficient if mailed to the applicant at the applicant's last known address;
- 37 (3) The claimant shall file an application to request that the case be reactivated not later
- 38 than six months after the date the claimant is released from incarceration. Failure to file such

39 request within the six-month period shall serve as a bar to any recovery.

40 6. Victims of crime who are not residents of the state of Missouri may be compensated
41 only when federal funds are available for that purpose. Compensation for nonresident victims
42 shall terminate when federal funds for that purpose are no longer available.

43 7. A Missouri resident who suffers personal physical injury or, in the case of death, a
44 dependent of the victim or any member of the family who legally assumes the obligation, or who
45 pays the medical or burial expenses incurred as a direct result thereof, in another state,
46 possession or territory of the United States may make application for compensation in Missouri
47 if:

48 (1) The victim of the crime would be compensated if the crime had occurred in the state
49 of Missouri;

50 (2) The place that the crime occurred is a state, possession or territory of the United
51 States, or location outside of the United States that is covered and defined in 18 U.S.C. section
52 2331, that does not have a crime victims' compensation program for which the victim is eligible
53 and which provides at least the same compensation that the victim would have received if he had
54 been injured in Missouri.

55 **8. Notwithstanding any other provision of law to the contrary, it is not necessary**
56 **for any claimant to be living with or have been living with the victim in order to be eligible**
57 **to receive compensation.**

595.030. 1. No compensation shall be paid unless the claimant has incurred an
2 out-of-pocket loss of at least fifty dollars or has lost [two continuous weeks of] earnings or
3 support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or
4 unreimbursable expenses or indebtedness reasonably incurred for medical care or other services,
5 including psychiatric, psychological or counseling expenses, necessary as a result of the crime
6 upon which the claim is based, except that the amount paid for psychiatric, psychological or
7 counseling expenses per eligible claim shall not exceed two thousand five hundred dollars.

8 2. No compensation shall be paid unless the division of workers' compensation finds that
9 a crime was committed, that such crime directly resulted in personal physical injury to, or the
10 death of, the victim, and that police records show that such crime was promptly reported to the
11 proper authorities. In no case may compensation be paid if the police records show that such
12 report was made more than forty-eight hours after the occurrence of such crime, unless the
13 division of workers' compensation finds that the report to the police was delayed for good cause.
14 If the victim is under eighteen years of age such report may be made by the victim's parent,
15 guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the
16 division of family services personnel; or by any other member of the victim's family.

17 3. No compensation shall be paid for medical care if the service provider is not a medical

18 provider as that term is defined in section 595.027, and the individual providing the medical care
19 is not licensed by the state of Missouri or the state in which the medical care is provided.

20 4. No compensation shall be paid for psychiatric treatment or other counseling services,
21 including psychotherapy, unless the service provider is a:

22 (1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine
23 in the state in which the service is provided;

24 (2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice
25 psychology in the state in which the service is provided;

26 (3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

27 (4) Professional counselor licensed pursuant to chapter 337, RSMo.

28 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
29 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
30 support from gainful employment, not to exceed [two] **four** hundred dollars per week, resulting
31 from such injury or death. In the event of death of the victim, an award may be made for
32 reasonable and necessary expenses actually incurred for preparation and burial not to exceed
33 [five] **seven** thousand **five hundred** dollars.

34 6. Any compensation for loss of earnings or support from gainful employment shall be
35 in an amount equal to the actual loss sustained not to exceed [two] **four** hundred dollars per
36 week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
37 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of
38 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
39 compensation shall be apportioned by the division of workers' compensation among the
40 claimants in proportion to their loss.

41 7. The method and timing of the payment of any compensation pursuant to sections
42 595.010 to 595.075 shall be determined by the division.

610.021. Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body and
5 any confidential or privileged communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating
7 to legal actions, causes of action or litigation involving a public governmental body or any agent
8 or entity representing its interests or acting on its behalf or with its authority, including any
9 insurance company acting on behalf of a public government body as its insured, shall be made
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered

12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
13 action clearly outweighs the public policy considerations of section 610.011, however, the
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote
16 shall be announced or become public immediately following the action on the motion to
17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public within seventy- two hours after
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body must be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it is
43 to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records pertaining
54 to employees or applicants for employment, except that this exemption shall not apply to the
55 names, positions, salaries and lengths of service of officers and employees of public agencies
56 once they are employed as such;

57 (14) Records which are protected from disclosure by law;

58 (15) Meetings and public records relating to scientific and technological innovations in
59 which the owner has a proprietary interest;

60 (16) Records relating to municipal hot lines established for the reporting of abuse and
61 wrongdoing;

62 (17) Confidential or privileged communications between a public governmental body and
63 its auditor, including all auditor work product; and

64 (18) [In preparation for and implementation of electric restructuring, a municipal electric
65 utility may close that portion of its financial records and business plans which contains
66 information regarding the name of the suppliers of services to said utility and the cost of such
67 services, and the records and business plans concerning the municipal electric utility's future
68 marketing and service expansion areas. However, this exception shall not be construed to limit
69 access to other records of a municipal electric utility, including but not limited to the names and
70 addresses of its business and residential customers, its financial reports, including but not limited
71 to its budget, annual reports and other financial statements prepared in the course of business,
72 and other records maintained in the course of doing business as a municipal electric utility. This
73 exception shall become null and void if the state of Missouri fails to implement by December
74 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state.]

75 **Portions of documents detailing plans or proposals for protection from and response to**
76 **domestic terrorism, as defined in 18 U.S.C. section 2331, including the protection of critical**
77 **physical structures and evacuation plans from those structures, protection and response**
78 **plans relating to the potential contamination of reservoirs, water supplies or sewers, and**
79 **protection and response plans relating to the damaging of electric or gas utilities; however,**
80 **information related to the costs budgeted and expended to protect such structures, water**
81 **supplies, sewers or utilities shall not be a closed record under this exception.**

630.140. 1. Information and records compiled, obtained, prepared or maintained by the
2 residential facility, day program operated, funded or licensed by the department or otherwise,

3 specialized service, or by any mental health facility or mental health program in which people
4 may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to
5 either voluntary or involuntary patients, residents or clients shall be confidential.

6 2. The facilities or programs shall disclose information and records including medication
7 given, dosage levels, and individual ordering such medication to the following upon their
8 request:

9 (1) The parent of a minor patient, resident or client;

10 (2) The guardian or other person having legal custody of the patient, resident or client;

11 (3) The attorney of a patient, resident or client who is a ward of the juvenile court, an
12 alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as
13 evidenced by court orders of the attorney's appointment;

14 (4) An attorney or personal physician as authorized by the patient, resident or client;

15 (5) Law enforcement officers and agencies, information about patients, residents or
16 clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out
17 the responsibilities of their office, and all such law enforcement officers shall be obligated to
18 keep such information confidential;

19 (6) The entity or agency authorized to implement a system to protect and advocate the
20 rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042. The
21 entity or agency shall be able to obtain access to the records of a person with developmental
22 disabilities who is a client of the entity or agency if such person has authorized the entity or
23 agency to have such access; and the records of any person with developmental disabilities who,
24 by reason of mental or physical condition is unable to authorize the entity or agency to have such
25 access, if such person does not have a legal guardian, conservator or other legal representative,
26 and a complaint has been received by the entity or agency with respect to such person or there
27 is probable cause to believe that such person has been subject to abuse or neglect. The entity or
28 agency obtaining access to a person's records shall meet all requirements for confidentiality as
29 set out in this section;

30 (7) The entity or agency authorized to implement a system to protect and advocate the
31 rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to
32 obtain access to the records of a patient, resident or client who by reason of mental or physical
33 condition is unable to authorize the system to have such access, who does not have a legal
34 guardian, conservator or other legal representative and with respect to whom a complaint has
35 been received by the system or there is probable cause to believe that such individual has been
36 subject to abuse or neglect. The entity or agency obtaining access to a person's records shall
37 meet all requirements for confidentiality as set out in this section. The provisions of this
38 subdivision shall apply to a person who has a significant mental illness or impairment as

39 determined by a mental health professional qualified under the laws and regulations of the state;
40 (8) To mental health coordinators, but only to the extent necessary to carry out their
41 duties under chapter 632, RSMo.

42 3. The facilities or services may disclose information and records under any of the
43 following:

44 (1) As authorized by the patient, resident or client;

45 (2) To persons or agencies responsible for providing health care services to such patients,
46 residents or clients;

47 (3) To the extent necessary for a recipient to make a claim or for a claim to be made on
48 behalf of a recipient for aid or insurance;

49 (4) To qualified personnel for the purpose of conducting scientific research, management
50 audits, financial audits, program evaluations or similar studies; provided, that such personnel
51 shall not identify, directly or indirectly, any individual patient, resident or client in any report of
52 such research, audit or evaluation, or otherwise disclose patient, resident or client identities in
53 any manner;

54 (5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo,
55 552, RSMo, or 632, RSMo;

56 (6) To law enforcement officers or public health officers, but only to the extent necessary
57 to carry out the responsibilities of their office, and all such law enforcement and public health
58 officers shall be obligated to keep such information confidential;

59 (7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

60 (8) To the attorney representing petitioners, but only to the extent necessary to carry out
61 their duties under chapter 632, RSMo;

62 (9) To the department of social services **or the department of health and senior**
63 **services** as necessary to report or have investigated abuse, neglect, or rights violations of
64 patients, residents, or clients;

65 (10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986,
66 but only to the extent necessary to carry out their statutory responsibilities. The county board
67 shall not identify, directly or indirectly, any individual patient, resident or client.

68 4. The facility or program shall document the dates, nature, purposes and recipients of
69 any records disclosed under this section and sections 630.145 and 630.150.

70 5. The records and files maintained in any court proceeding under chapter 632, RSMo,
71 shall be confidential and available only to the patient, his attorney, guardian, or, in the case of
72 a minor, to a parent or other person having legal custody of the patient, and to the petitioner and
73 his attorney. In addition, the court may order the release or use of such records or files only upon
74 good cause shown, and the court may impose such restrictions as the court deems appropriate.

75 6. Nothing contained in this chapter shall limit the rights of discovery in judicial or
76 administrative procedures as otherwise provided for by statute or rule.

77 7. The fact of admission of a voluntary or involuntary patient to a mental health facility
78 under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this
79 section.

 630.167. 1. Upon receipt of a report, the department or its agents, contractors or vendors
2 or the department of health and senior services, if such facility or program is licensed pursuant
3 to chapter 197, RSMo, shall initiate an investigation within twenty-four hours.

4 2. If the investigation indicates possible abuse or neglect of a patient, resident or client,
5 the investigator shall refer the complaint together with the investigator's report to the department
6 director for appropriate action. If, during the investigation or at its completion, the department
7 has reasonable cause to believe that immediate removal from a facility not operated or funded
8 by the department is necessary to protect the residents from abuse or neglect, the department or
9 the local prosecuting attorney may, or the attorney general upon request of the department shall,
10 file a petition for temporary care and protection of the residents in a circuit court of competent
11 jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to
12 issue an ex parte order granting the department authority for the temporary care and protection
13 of the resident for a period not to exceed thirty days.

14 3. (1) Reports referred to in section 630.165 and the investigative reports referred to in
15 this section shall be confidential, shall not be deemed a public record, and shall not be subject
16 to the provisions of section 109.180, RSMo, or chapter 610, RSMo; except that: complete copies
17 all such reports shall be open and available to the parents or other guardian of the patient,
18 resident, or client who is the subject of such report, except that the names and any other
19 descriptive information of the complainant or other person mentioned in the reports shall not be
20 disclosed unless such complainant or person specifically consents to such disclosure. All reports
21 referred to in this section shall be admissible in any judicial proceedings or hearing in accordance
22 with section 36.390, RSMo, or any administrative hearing before the director of the department
23 of mental health, or the director's designee. All such reports may be disclosed by the department
24 of mental health to law enforcement officers and public health officers, but only to the extent
25 necessary to carry out the responsibilities of their offices, and to the department of social
26 services, **to the department of health and senior services**, and to boards appointed pursuant
27 to sections 205.968 to 205.990, RSMo, that are providing services to the patient, resident or
28 client as necessary to report or have investigated abuse, neglect, or rights violations of patients,
29 residents or clients provided that all such law enforcement officers, public health officers,
30 department of social services' officers, **department of health and senior services' officers**, and
31 boards shall be obligated to keep such information confidential;

32 (2) Except as otherwise provided in this section, the proceedings, findings, deliberations,
33 reports and minutes of committees of health care professionals as defined in section 537.035,
34 RSMo, or mental health professionals as defined in section 632.005, RSMo, who have the
35 responsibility to evaluate, maintain, or monitor the quality and utilization of mental health
36 services are privileged and shall not be subject to the discovery, subpoena or other means of legal
37 compulsion for their release to any person or entity or be admissible into evidence into any
38 judicial or administrative action for failure to provide adequate or appropriate care. Such
39 committees may exist, either within department facilities or its agents, contractors, or vendors,
40 as applicable. Except as otherwise provided in this section, no person who was in attendance at
41 any investigation or committee proceeding shall be permitted or required to disclose any
42 information acquired in connection with or in the course of such proceeding or to disclose any
43 opinion, recommendation or evaluation of the committee or board or any member thereof;
44 provided, however, that information otherwise discoverable or admissible from original sources
45 is not to be construed as immune from discovery or use in any proceeding merely because it was
46 presented during proceedings before any committee or in the course of any investigation, nor is
47 any member, employee or agent of such committee or other person appearing before it to be
48 prevented from testifying as to matters within their personal knowledge and in accordance with
49 the other provisions of this section, but such witness cannot be questioned about the testimony
50 or other proceedings before any investigation or before any committee;

51 (3) Nothing in this section shall limit authority otherwise provided by law of a health
52 care licensing board of the state of Missouri to obtain information by subpoena or other
53 authorized process from investigation committees or to require disclosure of otherwise
54 confidential information relating to matters and investigations within the jurisdiction of such
55 health care licensing boards; provided, however, that such information, once obtained by such
56 board and associated persons, shall be governed in accordance with the provisions of this
57 subsection;

58 (4) Nothing in this section shall limit authority otherwise provided by law in
59 subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the
60 entity or agency authorized to implement a system to protect and advocate the rights of persons
61 with developmental disabilities under the provisions of 42 U.S.C. 6042 and the entity or agency
62 authorized to implement a system to protect and advocate the rights of persons with mental
63 illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this section shall serve
64 to negate assurances that have been given by the governor of Missouri to the U.S.
65 Administration on Developmental Disabilities, Office of Human Development Services,
66 Department of Health and Human Services concerning access to records by the agency
67 designated as the protection and advocacy system for the state of Missouri. However, such

68 information, once obtained by such entity or agency, shall be governed in accordance with the
69 provisions of this subsection.

70 4. Anyone who makes a report pursuant to this section or who testifies in any
71 administrative or judicial proceeding arising from the report shall be immune from any civil
72 liability for making such a report or for testifying unless such person acted in bad faith or with
73 malicious purpose.

74 5. Within five working days after a report required to be made pursuant to this section
75 is received, the person making the report shall be notified in writing of its receipt and of the
76 initiation of the investigation.

77 6. No person who directs or exercises any authority in a residential facility, day program
78 or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client
79 or employee because he or she or any member of his or her family has made a report of any
80 violation or suspected violation of laws, ordinances or regulations applying to the facility which
81 he or she has reasonable cause to believe has been committed or has occurred.

82 7. Any person who is discharged as a result of an administrative substantiation of
83 allegations contained in a report of abuse or neglect may, after exhausting administrative
84 remedies as provided in chapter 36, RSMo, appeal such decision to the circuit court of the county
85 in which such person resides within ninety days of such final administrative decision. The court
86 may accept an appeal up to twenty-four months after the party filing the appeal received notice
87 of the department's determination, upon a showing that:

88 (1) Good cause exists for the untimely commencement of the request for the review;

89 (2) If the opportunity to appeal is not granted it will adversely affect the party's
90 opportunity for employment; and

91 (3) There is no other adequate remedy at law.

630.170. 1. A person **listed on the department of mental health disqualification**
2 **registry pursuant to this section, a person listed on the department of social services or the**
3 **department of health and senior services employee disqualification list pursuant to section**
4 **660.315, RSMo, a person convicted of, or who entered a plea of guilty or nolo contendere**
5 **to, any crime pursuant to section 630.155 or 630.160 shall be disqualified from holding any**
6 position in any public or private facility or day program operated, funded or licensed by the
7 department or in any mental health facility or mental health program in which people are
8 admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632,
9 RSMo.

10 2. A person convicted of, **or who entered a plea of guilty or nolo contendere to, any**
11 felony offense against persons as defined in chapter 565, RSMo; of any felony sexual offense as
12 defined in chapter 566, RSMo; of any felony offense defined in section **568.020, 568.045,**

13 568.050, 568.060, 569.020, **569.025**, 569.030, **569.035**, 569.040 [or], 569.050, **560.070**, or
14 **569.160**, RSMo, or of an equivalent felony offense, **or any violation of subsection 3 of section**
15 **198.070, RSMo**, shall be disqualified from holding any direct-care position in any public or
16 private facility, day program, residential facility or specialized service operated, funded or
17 licensed by the department or any mental health facility or mental health program in which
18 people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

19 **3. Any person who receives a suspended imposition of sentence (SIS) or a**
20 **suspended execution of sentence (SES) following a plea of guilty to any of the disqualifying**
21 **offenses listed in subsection 1 or 2 of this section shall remain disqualified.**

22 **4.** Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section
23 may appeal the disqualification to the director of the department or the director's designee. The
24 request shall be written and may not be made more than once every twelve months. The request
25 may be granted by the director or designee if in the judgment of the director or designee a clear
26 showing has been made by written submission only, that the person will not commit any
27 additional acts for which the person had originally been disqualified for or any other acts that
28 would be harmful to a patient, resident or client of a facility, program or service. The director
29 or designee may grant the appeal subject to any conditions deemed appropriate and failure to
30 comply with such terms may result in the person again being disqualified. Decisions by the
31 director or designee pursuant to the provisions of this subsection shall not be subject to appeal.
32 The right to appeal pursuant to this subsection shall not apply to persons [convicted of] **listed**
33 **on the department of social services or the department of health and senior services**
34 **employee disqualification list pursuant to section 660.315, RSMo, or persons disqualified**
35 **from employment for any crime pursuant to the provisions of chapter 566 [or 568], RSMo, or**
36 **section 565.020 [or], 565.021, 568.020, 568.060, 569.025, or 569.070, RSMo.**

37 **5. An applicant for a direct care position in any public or private facility, day**
38 **program, residential facility, or specialized service operated, funded, or licensed by the**
39 **department or any mental health facility or mental health program in which persons are**
40 **admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo, shall:**

41 **(1) Sign a consent form required by section 43.540, RSMo, to provide written**
42 **consent for a criminal record review;**

43 **(2) Disclose the applicant's criminal history. For purposes of this subdivision,**
44 **"criminal history" includes any conviction or plea of guilty to a misdemeanor or felony**
45 **offense and shall include any suspended imposition of sentence, suspended execution of**
46 **sentence, or period of probation or parole; and**

47 **(3) Disclose if the applicant is listed on the employee disqualification list pursuant**
48 **to section 660.315, RSMo, or the department of mental health disqualification registry**

49 pursuant to this section.

50 **6. Any person who receives a good cause waiver issued by the department of health**
51 **and senior services pursuant to subsection 9 of section 660.317, RSMo, shall not require**
52 **an additional exception pursuant to this section to be employed in a long-term care facility**
53 **licensed pursuant to chapter 198, RSMo.**

54 **7. Any public or private residential facility, day program, or specialized service**
55 **licensed, certified, or funded by the department shall, no later than two business days after**
56 **the hiring of a person for a full-time, part-time, or temporary position to have contact with**
57 **clients, residents, or patients, shall:**

58 **(1) Request a criminal background check pursuant to section 43.540, RSMo;**

59 **(2) Make an inquiry to the department of social services and the department of**
60 **health and senior services on whether the person is listed on the employee disqualification**
61 **list pursuant to section 660.315, RSMo; and**

62 **(3) Make an inquiry to the department of mental health on whether the person is**
63 **listed on the disqualification registry pursuant to this section.**

64 **[4.] 8.** The department may maintain a disqualification registry and place on the registry
65 the names of any persons who have been finally determined by the department to be disqualified
66 pursuant to this section, or who have had administrative substantiations made against them for
67 abuse or neglect pursuant to department rule. Such list shall reflect that the person is barred from
68 holding any position in any public or private facility or day program operated, funded or licensed
69 by the department, or any mental health facility or mental health program in which persons are
70 admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

650.050. 1. The Missouri department of public safety shall develop and establish a
2 "DNA Profiling System", referred to in sections 650.050 to 650.057 as the system to support
3 criminal justice services in the local communities throughout this state in DNA identification.
4 This establishment shall be accomplished through consultation with the Kansas City, Missouri
5 regional crime laboratory, Missouri state highway patrol crime laboratory, St. Louis, Missouri
6 metropolitan crime laboratory, St. Louis county crime laboratory, southeast Missouri regional
7 crime laboratory, Springfield regional crime laboratory, and the Missouri Southern State College
8 police academy regional crime lab.

9 2. The DNA profiling system as established in this section shall be compatible with that
10 used by the Federal Bureau of Investigation to ensure that DNA records are fully exchangeable
11 between DNA laboratories and that quality assurance standards issued by the director of the
12 Federal Bureau of Investigations are applied and performed.

13 **3. The DNA profiling system established by this section shall include a separate**
14 **statistical data base containing DNA profiles of persons whose identity is unknown.**

15 **Information in this data base may be used for any legitimate law enforcement purpose**
16 **upon written request of any federal, state, or local law enforcement agency, using the**
17 **procedure provided by subsection 3 of section 650.055.**

18 **4. The DNA profiling system may charge a reasonable fee to search and provide a**
19 **comparative analysis of DNA profiles to any law enforcement agency outside of this state.**

650.055. 1. Every individual [convicted], in a Missouri circuit court, [of a felony,
2 defined as a violent offense under chapter 565, RSMo, or as a sex offense under] **who pleads**
3 **guilty to or is convicted of murder in the first degree, murder in the second degree,**
4 **voluntary manslaughter, involuntary manslaughter, assault in the first degree, assault in**
5 **the second degree, unlawful endangerment of another, assault in the third degree, domestic**
6 **assault in the first degree, domestic assault in the second degree, domestic assault in the**
7 **third degree, assault while on school property, assault of a law enforcement officer in the**
8 **first degree, assault of a law enforcement officer in the second degree, assault of a law**
9 **enforcement officer in the third degree, tampering with a judicial officer, harassment,**
10 **aggravated harassment of an employee, elder abuse in the first degree, elder abuse in the**
11 **second degree, or elder abuse in the third degree, incest, endangering the welfare of a child**
12 **in the first degree, abuse of a child, use of a child in sexual performance, promoting sexual**
13 **performance by a child, robbery in the first degree, pharmacy robbery in the first degree,**
14 **robbery in the second degree, burglary in the first degree, burglary in the second degree,**
15 **tampering in the first degree, stealing, armed criminal action, unlawful use of weapons, or**
16 **of any sex offense pursuant to chapter 566, RSMo, excluding sections 566.010 and 566.020,**
17 **RSMo, or of any attempt to commit any of the offenses listed in this subsection** shall have
18 a blood or scientifically accepted biological sample collected for purposes of DNA profiling
19 analysis:

20 (1) Upon entering the department of correction's reception and diagnostic centers; or

21 (2) Before release from a county jail or detention facility; or

22 (3) If such individual is under the jurisdiction of the department of corrections on or after
23 August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on
24 probation, as defined in section 217.650, RSMo, and on parole, as also defined in section
25 217.650, RSMo.

26 2. The Missouri state highway patrol and department of corrections shall be responsible
27 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
28 this section shall be required to provide such sample, without the right of refusal, at a collection
29 site designated by the Missouri state highway patrol and the department of corrections.
30 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
31 civil or criminal action when the act is performed in a reasonable manner. Such force may be

32 used as necessary to the effectual carrying out and application of such processes and operations.
33 The enforcement of these provisions by the authorities in charge of state correctional institutions
34 and others having custody of those convicted of the felony which shall not be set aside or
35 reversed, is hereby made mandatory.

36 3. The procedure and rules for the collection, analysis, storage, expungement, use of
37 DNA database records and privacy concerns shall not conflict with procedures and rules
38 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
39 data bank system. **A written request to analyze and compare DNA samples provided by any**
40 **federal, state, or local law enforcement agency with those in the Missouri DNA profiling**
41 **system shall be fulfilled if made by any federal, state, or local law enforcement officers in**
42 **furtherance of an official investigation of any criminal offense. The name of the requesting**
43 **law enforcement official and the law enforcement agency for which the request is made**
44 **shall be maintained on file by the DNA profiling system. Any person identified and**
45 **charged with an offense as a result of a search of the Missouri DNA profiling system shall,**
46 **upon written request, be provided a copy of the relevant written search request made by**
47 **law enforcement, if the person submits a DNA sample which matches the requestor's**
48 **profile in the Missouri DNA profiling system. Upon showing by the defendant in a**
49 **criminal case that access to the Missouri DNA profiling system is material to the**
50 **investigation, preparation or presentation of a defense at trial or in a motion for a new**
51 **trial, any court having jurisdiction in such case shall direct the Missouri DNA profiling**
52 **system to compare a DNA profile which has been generated by the defendant through an**
53 **independent test against the profiling system, provided that such DNA has been generated**
54 **in accordance with standards for forensic DNA analysis adopted pursuant to sections**
55 **650.050 to 650.057.**

56 4. **The name of a convicted offender whose profile is contained in the data bases**
57 **may be related to any other data bases which are constructed for law enforcement**
58 **purposes and may be disseminated only for law enforcement purposes except as otherwise**
59 **provided by this section.** Unauthorized uses or dissemination of individually identifiable DNA
60 information in a database for purposes other than criminal justice or law enforcement is a class
61 A misdemeanor.

62 5. Implementation of section 650.050 and this section shall be subject to future
63 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
64 Investigation's DNA data bank system.

650.057. 1. Except as provided in subsection 3 of this section, no local law enforcement
2 agency may establish or operate a system before January 15, 1992, and unless:

3 (1) The equipment of the local system is compatible with that of the state system; and

4 (2) The local system is equipped to receive and answer inquiries from the Missouri DNA
5 profiling system or FBI databank and transmit data to the Missouri DNA profiling system and
6 FBI databank; and

7 (3) The procedure and rules for the collection, analysis, storage, expungement and use
8 of DNA profiling data do not conflict with procedures and rules applicable to the Missouri
9 system and the FBI DNA databank.

10 2. The Missouri department of public safety shall adopt rules to implement this section.

11 3. Nothing in subdivisions (1) and (2) of this section shall prohibit a local law
12 enforcement agency from performing DNA profiling analysis in individual cases to assist law
13 enforcement officials and prosecutors in the preparation and use of DNA evidence for
14 presentation in court. Implementation of sections 650.050 to 650.057 shall be subject to future
15 appropriations except for section 650.050.

16 **4. Nothing in this section shall prohibit a law enforcement agency from obtaining**
17 **a saliva sample through the use of a sterile cotton swab for the purpose of obtaining a DNA**
18 **sample for purposes of DNA analysis as a part of the agency's normal booking process for**
19 **individuals arrested for any felony violation, if taken in conjunction with the other**
20 **procedures followed by the law enforcement agency in processing an individual arrested**
21 **for a felony violation. This subsection does not authorize the drawing of a blood sample**
22 **for this purpose unless a search warrant is first obtained.**

660.317. 1. For the purposes of this section, the term "provider" means any person,
2 corporation or association who:

3 (1) Is licensed as an operator pursuant to chapter 198, RSMo;

4 (2) Provides in-home services under contract with the department;

5 (3) Employs nurses or nursing assistants for temporary or intermittent placement in
6 health care facilities; or

7 (4) Is an entity licensed pursuant to chapter 197, RSMo[;

8 (5) Is a public or private facility, day program, residential facility or specialized service
9 operated, funded or licensed by the department of mental health].

10 2. For the purpose of this section "patient or resident" has the same meaning as such term
11 is defined in section 43.540, RSMo.

12 3. Beginning August 28, 1997, not later than two working days of hiring any person for
13 a full-time, part-time or temporary position to have contact with any patient or resident the
14 provider shall, or in the case of temporary employees hired through an employment agency, the
15 employment agency shall prior to sending a temporary employee to a provider:

16 (1) Request a criminal background check as provided in section 43.540, RSMo.
17 Completion of an inquiry to the highway patrol for criminal records that are available for

18 disclosure to a provider for the purpose of conducting an employee criminal records background
19 check shall be deemed to fulfill the provider's duty to conduct employee criminal background
20 checks pursuant to this section; except that, completing the inquiries pursuant to this subsection
21 shall not be construed to exempt a provider from further inquiry pursuant to common law
22 requirements governing due diligence; and

23 (2) Make an inquiry to the department of social services, whether the person is listed on
24 the employee disqualification list as provided in section 660.315.

25 4. When the provider requests a criminal background check pursuant to section 43.530,
26 RSMo, the requesting entity may require that the applicant reimburse the provider for the cost
27 of such record check.

28 5. An applicant for a position to have contact with patients or residents of a provider
29 shall:

30 (1) Sign a consent form as required by section 43.540, RSMo, so the provider may
31 request a criminal records review;

32 (2) Disclose the applicant's criminal history. For the purposes of this subdivision
33 "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge
34 and shall include any suspended imposition of sentence, any suspended execution of sentence
35 or any period of probation or parole; and

36 (3) Disclose if the applicant is listed on the employee disqualification list as provided
37 in section 660.315.

38 6. An applicant who knowingly fails to disclose his criminal history as required in
39 subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class
40 A misdemeanor if the provider knowingly hires a person to have contact with patients or
41 residents and the person has been convicted of, pled guilty to or nolo contendere in this state or
42 any other state or has been found guilty of a crime, which if committed in Missouri would be a
43 class A or B felony violation of chapter 565, 566 or 569, RSMo, or any violation of subsection
44 3 of section 198.070, RSMo, or section 568.020, RSMo.

45 7. The highway patrol shall examine whether protocols can be developed to allow a
46 provider to request a statewide fingerprint criminal records review check through local law
47 enforcement agencies.

48 8. A provider may use a private investigatory agency rather than the highway patrol to
49 do a criminal history records review check, and alternatively, the applicant pays the private
50 investigatory agency such fees as the provider and such agency shall agree.

51 9. The department of social services shall promulgate rules and regulations to waive the
52 hiring restrictions pursuant to this section for good cause. For purposes of this section, "good
53 cause" means the department has made a determination by examining the employee's prior work

54 history and other relevant factors that such employee does not present a risk to the health or
55 safety of residents.

2 **Section 1. 1. No person less than twenty-one years of age shall dance in an adult**
3 **cabaret as defined in section 573.500, RSMo, nor shall any proprietor of such**
4 **establishment permit any person less than twenty-one years of age to dance in an adult**
5 **cabaret.**

6 **2. Any person who violates the provisions of subsection 1 of this section is guilty of**
7 **a class A misdemeanor.**

8 **Section 2. 1. A person commits the crime of assault of an athletic event participant**
9 **if such person:**

10 **(1) Attempts to cause or knowingly causes physical injury to an athletic event**
11 **participant by means of a deadly weapon or dangerous instrument;**

12 **(2) Recklessly causes serious physical injury to an athletic event participant;**

13 **(3) While in an intoxicated condition or under the influence of controlled**
14 **substances or drugs, acts with criminal negligence to cause physical injury to an athletic**
15 **event participant;**

16 **(4) Attempts to cause or recklessly causes physical injury to an athletic event**
17 **participant;**

18 **(5) With criminal negligence causes physical injury to an athletic event participant**
19 **by means of a deadly weapon;**

20 **(6) Purposely places an athletic event participant in apprehension of immediate**
21 **physical injury;**

22 **(7) Recklessly engages in conduct which creates a grave risk of death or serious**
23 **physical injury to an athletic event participant; or**

24 **(8) Knowingly causes or attempts to cause physical contact with an athletic event**
25 **participant without the consent of the athletic event participant.**

26 **2. As used in this section the following terms shall mean:**

27 **(1) "Athletic event", any interscholastic or intramural athletic activity in a**
28 **primary, middle, junior high or high school, college, or university, any organized athletic**
29 **activity sponsored by a community, business, or nonprofit organization, any athletic**
30 **activity that is a professional or semiprofessional event, and any other organized athletic**
31 **activity in the state;**

32 **(2) "Athletic event participant", any person involved in an athletic event as a**
33 **player or serving in an official capacity related to participation in or administration of the**
34 **athletic event.**

35 **3. Assault of an athletic event participant is a class A misdemeanor unless**

29 committed pursuant to subdivision (1), (2), or (3) of subsection 1 of this section in which
30 case it is a class D felony.

Section 3. In the event that any person, or entity, which has entered into a contract
2 with the state or any political subdivision has been convicted or pled guilty to any felony
3 or has been found, or has admitted to be, in violation of any state statute or regulation
4 which relates to the performance of its contract, then that person or entity will be
5 prohibited for three years from entering into any contracts with the state or any political
6 subdivision.

Section 4. 1. A person commits the crime of assault while on the property of a
2 hospital emergency room, or trauma center if the person:
3 (1) Knowingly causes physical injury to another person; or
4 (2) With criminal negligence, causes physical injury to another person by means
5 of a deadly weapon; or
6 (3) Recklessly engages in conduct which creates a grave risk of death or serious
7 physical injury to another person; and
8 (4) The act occurred on hospital emergency room, or trauma center property, or
9 in a vehicle that at the time of the act was in the service of a hospital emergency room, or
10 trauma center.

11 2. Assault while on the property of a hospital emergency room, or trauma center
12 is a class D felony.

Section 5. 1. As used in this section, the following words and phrases shall mean:
2 (1) "Clone a human being" or "cloning a human being", genetic duplication or
3 replication of a human being, whether living or deceased, regardless of the stage of
4 development of such human being, from whom genetic material was donated or taken in
5 order to complete such duplication or replication;
6 (2) "Public employee", any person employed by the state of Missouri or any agency
7 or political subdivision thereof;
8 (3) "Public facilities", any public institution, public facility, public equipment, or
9 any physical asset owned, leased, or controlled by the state of Missouri or any agency or
10 political subdivision thereof;
11 (4) "Public funds", any funds received or controlled by the state of Missouri or any
12 agency or political subdivision thereof, including, but not limited to, funds derived from
13 federal, state or local taxes, gifts or grants from any source, public or private, federal
14 grants or payments, or intergovernmental transfers.

15 2. No person shall knowingly clone a human being, or participate in cloning a
16 human being.

17 **3. No person shall knowingly use public funds to clone a human being or attempt**
18 **to clone a human being.**

19 **4. No person shall knowingly use public facilities for the purpose of cloning a**
20 **human being or attempting to clone a human being.**

21 **5. No public employee shall knowingly allow any person to clone a human being or**
22 **attempt to clone a human being while making use of public funds or public facilities.**

23 **6. Violation of subsections 2 to 5 of this section shall be a class B felony.**

 Section 6. Notwithstanding the provisions of section 302.309.3(5), RSMo, to the
2 contrary, a person cannot be denied a limited driving privilege for the reason that the
3 person had been granted such a privilege within the immediately preceding five years.

 Section 7. Possession of a firearm shall be unlawful for any person:

2 **(1) Who is subject to a court order that:**

3 **(a) Was issued after a hearing of which such person received actual notice, and at**
4 **which such person had an opportunity to participate;**

5 **(b) Restrains such person from harassing, stalking, or threatening an intimate**
6 **partner of such person or child of such intimate partner or person, or engaging in other**
7 **conduct that would place an intimate partner in reasonable fear of bodily injury to the**
8 **partner or child; and**

9 **(c) Includes a finding that such person represents a credible threat to the physical**
10 **safety of such intimate partner or child, or by its terms explicitly prohibits the use,**
11 **attempted use, or threatened use of physical force against such intimate partner or child**
12 **that would reasonably be expected to cause bodily injury; or**

13 **(2) Who has been convicted in any court pursuant to the provisions of section**
14 **565.072, 565.073 or 565.074.**

15 **(3) Violation of this section shall be a Class A misdemeanor.**

 Section 8. Any person who has been convicted of or found guilty of a violation
2 pursuant to Section 302.020, RSMo, in which the court imposes no sentence shall be
3 entitled to file and perfect an appeal of the court's finding. Any person found guilty of any
4 offense under Section 302.020 after August 28, 1999, shall have 30 days after the effective
5 date of this section in which to file, perfect and prosecute an appeal.

 Section B. Because of the immediate need for state emergency powers the repeal and
2 reenactment of sections 44.023, 306.124, 307.177, 407.472, 570.030, 571.020, 574.115, 578.008
3 and the enactment of sections 304.370, 407.760, 407.762, 569.072, and 576.080 of this act is
4 deemed necessary for the immediate preservation of the public health, welfare, peace and safety,
5 and is hereby declared to be an emergency act within the meaning of the constitution, and the
6 repeal and reenactment of sections 44.023, 306.124, 307.177, 407.472, 570.030, 571.020,
7 574.115, 578.008 and the enactment of sections 304.370, 407.760, 407.762, 569.072, and

8 576.080 of this act shall be in full force and effect upon its passage and approval.